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LOCAL ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN

PASSED AT THE
REGULAR SESSION OF 1905

WITH AN APPENDIX



BY AUTHORITY

LANSING, MICHIGAN
WYNKOOP HALLENBECK CRAWFORD CO., STATE PRINTERS
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NOTE.—The words enclosed in brackets in the following acts were in the bills as passed by the Legislature, but not in the enrolled copies as approved by the Governor.

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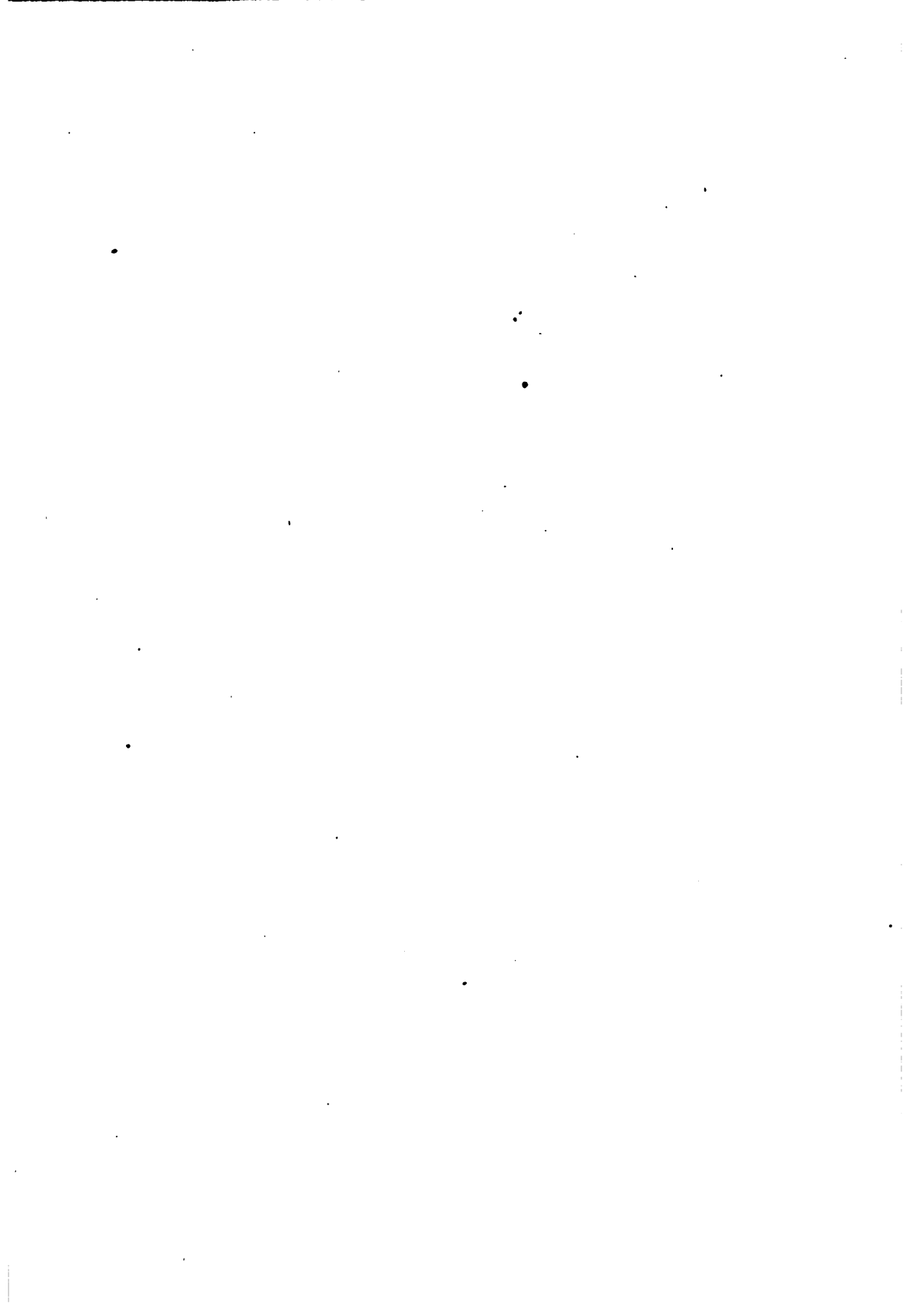
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LOCAL ACTS
OF
THE LEGISLATURE
1905.



LOCAL ACTS, 1905.

[No. 333.]

AN ACT to authorize the school district styled "Public Schools of the City of Gladwin," in the county of Gladwin and State of Michigan, to issue its bonds to an amount not exceeding fifteen thousand dollars, for the purpose of obtaining money wherewith to erect and furnish public school buildings in said city of Gladwin.

The People of the State of Michigan enact:

SECTION 1. The board of education of the school district styled "Public Schools of the City of Gladwin," in the county of Gladwin and State of Michigan, is authorized and empowered at any time within two years from and after the passage of this act, to issue at not less than their par value and upon the faith and credit of the said school district, bonds to such amount not exceeding in the aggregate the sum of fifteen thousand dollars, bearing such rate of interest not more than five per centum per annum payable annually, and maturing at such time or times not more than fifteen years from the date of their issue, as said board of education by resolution adopted by a majority vote of its members elect shall determine.

Authority to
issue bonds.

Amount of
bonds, and
rate of
interest.

Maturity.

SEC. 2. All bonds issued under the provisions of this act, shall be sold by the said board of education upon sealed proposals filed with the secretary of the board, who shall give notice of the time within which they may be filed for at least three successive weeks next previous to the expiration of such time, by publication weekly, in two or more newspapers of the State, to the person or persons paying the highest premium above par value therefor; shall be exempt from taxation under the laws of the State of Michigan; and when their issue is authorized by said board, the president and secretary thereof may execute and deliver the same for and in behalf of said board with the proper interest coupons thereto attached.

Bonds sold
upon sealed
proposals.

Manner of
publication.

Exempt from
taxation.

Money used,
for what
purpose.

SEC. 3. All money received from the sale of such bonds shall be used exclusively for the purpose of erecting and furnishing public school buildings in the city of Gladwin.

Provide pay-
ment of
interest.

SEC. 4. The said board of education is empowered, and it is made its duty, to provide for the payment of the interest upon all bonds issued hereunder, at maturity, by taxation upon all the taxable property in the said school district; and to provide for the payment at maturity of the principal of such bonds, either by taxation as aforesaid, or by the issue of refunding bonds, which may be issued only upon the conditions and limitations provided in the first section of this act.

To provide for
payment of
principal.

This act is ordered to take immediate effect.

Approved January 18, 1905.

[No. 334.]

AN ACT to change the name of Theodore Johnson to Theodore Thompson.

The People of the State of Michigan enact:

Name
changed.

SECTION 1. The name of Theodore Johnson of Kent county and State of Michigan is hereby changed to Theodore Thompson.

This act is ordered to take immediate effect.

Approved January 19, 1905.

[No. 335.]

AN ACT to provide for the appointment of a board of cemetery trustees for the city of Pontiac, and to determine and define their powers and duties, and to render such provisions of act two hundred fifteen of the public acts of the State of Michigan for the year eighteen hundred ninety-five, as contravene or are inconsistent with the provisions of this act, inapplicable to said city.

The People of the State of Michigan enact:

Term of office.

SECTION 1. The five members of the present "Board of Cemetery Trustees" of the city of Pontiac shall continue to hold their respective offices until their successors shall be appointed and qualified; and at the expiration of their respective present terms of office, the mayor of the city of Pontiac shall appoint, by and with the approval of the common council of

Who to ap-
point.

the city of Pontiac, a member in his stead for the full term of five years from the first Monday of May of the year when appointed, or until his successor is duly appointed, confirmed and qualified; and in case of vacancy in said board, from any cause, the vacancy shall be filled in the same manner. And the board so appointed shall constitute the "Board of Cemetery Trustees" of said city.

Vacancies,
how filled.

SEC. 2. The said board of cemetery trustees shall have full control over and direction of all the affairs pertaining to the city cemeteries of said city, and shall direct the improvements and embellishments of the grounds in said cemeteries, and shall appoint the necessary sexton, superintendents and employees for the cemetery and fix their compensation; expend the moneys provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemeteries, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of said city and the laws of the State, and make all requisite and necessary rules and by-laws to carry into effect the powers vested and the duties required by this act. Said board shall have charge of the sales of all lots in the cemeteries belonging to said city, and shall fix and determine the selling prices thereof, and shall have power in behalf of said city to deed and convey to the purchasers thereof all such lots. All such deeds shall be drawn in the name of said city as grantor, and shall be executed for and in behalf of said city by the president and secretary of said board.

To appoint
sexton, etc.

Enforce ordi-
nances.

To have
charge of sale
of lots.
To make deed.

SEC. 3. The said board of cemetery trustees shall have power, from time to time, to plat any unplatted portions of the cemeteries of said city, and may amend and correct any plat that has been made or shall be made of any portions of said cemeteries, and any original or corrected or amended plats hereafter made, of any portions of said cemeteries, shall be certified by the president and secretary of said board, to be true and correct plats of the lands purporting to be covered thereby, and when so certified the same may be filed in the office of the register of deeds of the county of Oakland, and when so filed shall be of record in said office and have the force and effect of recorded plats therein, and it shall not be necessary to record said plats in the office of the city clerk of said city; and it shall not be necessary to record any deeds of cemetery lots in the office of said clerk, but the same may be recorded in the office of the register of deeds of the county of Oakland.

To make plats.

How certified.

Where filed.

SEC. 4. The said board shall annually, during the month of May of each and every year, choose from its members a president, vice-president, a secretary and a treasurer, who shall severally hold their offices for the period of one year from

Shall choose
officers.

Term of office.

Officers, duties of.	<p>the first Monday of May of the year when appointed, and until their successors in office shall have been appointed and shall have severally accepted their offices and qualified as such trustees. The president shall preside at all meetings of the board, and in his absence the vice-president shall so preside. The secretary shall keep a true and correct record of all meetings and proceedings of the board, and shall keep all papers, records and files pertaining to the proceedings of the board and all records and papers pertaining to the cemeteries of said city shall be placed in the hands of such secretary to be kept and preserved by him; and such books, papers and records shall be open to public inspection, and shall be under the control of the board.</p>
Treasurer to give bond.	<p>SEC. 5. The treasurer of said board shall give a bond to said board, in such penalty and with such sureties and with such conditions as may be required by said board, and such bond shall be approved by said board and deposited with the secretary thereof. It shall be the duty of the treasurer to keep all moneys received from the sale of lots or which may be received by gift, grant, bequest or legacy, or which may be otherwise acquired, subject to the order of the said board of cemetery trustees.</p>
Duty of.	<p>SEC. 6. The secretary of said board shall keep a record of all the lots sold, the times of sale, the purchase prices, and the names of the purchasers, the same to be recorded in a book kept for that purpose, and no deed shall be made of any such lot until the purchase price fixed by the board for the lot intended to be conveyed is fully paid.</p>
Secretary to keep record of lots sold, etc.	<p>SEC. 7. All moneys raised by the city of Pontiac for cemetery purposes or received from the sale of lots or otherwise for cemetery purposes, shall be under the control and subject to the order of the said board, and the fund shall be called "The Cemetery Fund," and no part thereof shall be used except for cemetery purposes, excepting the procurement of a dwelling place for the use of the sexton of said cemeteries when the same shall be deemed by the said board to be necessary. Such board shall also have power, in its discretion, to take, receive and hold any property, real or personal, by devise or otherwise, which may be granted, transferred or devised to such board in trust for the purpose of caring for and keeping in good order and repair any given lot or lots, or portions thereof, specified in any such trust. All moneys and property which may be received by said board, or by the city of Pontiac, by way of gift, grant, devise or bequest for cemetery purposes, shall be under the control of said board, and shall be held in trust by said board, subject to the terms and conditions on which the same may be given, granted, devised or bequeathed, and the same shall constitute a trust fund, and if in money, shall, unless otherwise expressed by those making such gifts, grants, or bequests, be invested as a permanent fund in good, safe, interest-bearing securities, the</p>
Who to have control of moneys.	<p>To be used for what purpose.</p>
To be used for what purpose.	<p>Board to receive and hold property.</p>
To control gifts, grants, etc.	<p>To create trust fund.</p>

interest therefrom, after fulfillment of such conditions expressed, to be used in improving the cemeteries under the control of said board; and no part of such gifts, grants, devises, and bequests shall be used or appropriated for other than cemetery purposes. And no portion of the principal of the trust funds under the control of said board shall be temporarily or permanently transferred to the general fund or used for general cemetery purposes, contrary to the provisions of the trusts under which the same were originally received.

To be used
for improve-
ments.

Not to be
transferred to
general fund.

SEC. 8. The said board of cemetery trustees shall, on the first Monday in March in each year, make a full report to the common council of the city of Pontiac of the amount of moneys received into and owing to the cemetery fund, and from what source, and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the clerk of said board.

Annual report.

SEC. 9. The members of said board of cemetery trustees shall serve without compensation; excepting that a reasonable fee per annum, may, in the discretion of said board, be paid to the secretary and treasurer thereof for keeping the books, records and accounts of said board and of said cemeteries.

Compensation.

SEC. 10. All moneys that shall come to the hands of the city treasurer of the city of Pontiac, from time to time, which belonged to the cemetery fund, shall be transferred by said city treasurer promptly to the treasurer of the said board, and said city treasurer shall take a receipt for the same from the treasurer of said board, which shall remain of record in the office of said city treasurer.

Transfer of
moneys.

SEC. 11. The common council of the city of Pontiac shall have power, from time to time, to procure by either purchase or condemnation and to hold suitable lands within or without the limits of said city, for the purposes of a cemetery or cemeteries for said city. In case of the lands which may hereafter be procured by the city of Pontiac for cemetery purposes, the procuring of the same shall be by the common council of said city, by and with the advice and consent of the said board of cemetery trustees.

Council may
procure lands.

Board to
consent to
purchase.

SEC. 12. The common council of the city of Pontiac shall have power to cause private property to be condemned for the use of public cemeteries for said city, whether the lands sought to be condemned are within or without the limits of said city; but the necessity for taking and using such lands and property, a just compensation to be paid for the same and the damages accruing to any person or persons by reason thereof shall be ascertained in the same manner, as near as may be, as such necessary compensation and damages are or may hereafter be ascertained by said city in obtaining lands for laying out and establishing public streets in said city; and

Council may
condemn
private
property.

How damages
ascertained.

Title, where
vested.

whenever any such lands shall be condemned and paid for, the title shall be vested in the city of Pontiac in fee simple, as fully and effectually as though conveyed by the owners thereof to the said city, and in all such proceedings the common council of said city shall have the same powers and duties as in condemning lands for public streets.

Certain act
not appli-
cable.

SEC. 13. All parts and portions of act two hundred fifteen of the public acts of the State of Michigan for the year eighteen hundred ninety-five, that contravene or are inconsistent with this act shall not be applicable to the said city of Pontiac.

This act is ordered to take immediate effect.

Approved January 26, 1905.

[No. 336.]

AN ACT to amend sections one and three of act number five hundred two of the local acts of Michigan for the year nineteen hundred three, approved May twenty-eight, nineteen hundred three, entitled "An act to provide for the nomination of candidates for election by popular vote and relating to primary elections in Muskegon county, and to repeal all acts and parts of acts inconsistent herewith."

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Sections one and three of act number five hundred two of the local acts of the State of Michigan for the year nineteen hundred three, approved May twenty-eight, nineteen hundred three, entitled "An act to provide for the nomination of candidates for election by popular vote and relating to primary elections in Muskegon county, and to repeal all acts and parts of acts inconsistent herewith," are hereby amended so that said sections shall read as follows:

When pri-
maries to be
held.

SECTION 1. On the fifth Tuesday preceding any election at which members of the State legislature or officers of the county of Muskegon are to be elected, a primary election shall be held in the several townships of said county and wards of the cities of Muskegon, North Muskegon and Muskegon Heights, and at said primary elections the candidates for all the elective county officers, representatives in the State legislature and all other elective officers (excepting circuit judges, senators in the State legislature, members of the school boards, and all township officers) who are to be voted for at the ensuing election shall be chosen by popular vote as herein-after provided. On the fifth Tuesday preceding any charter or special election, a primary election shall be held for the nomination, by direct vote of the people, of all elective officers

Candidates to
be chosen.

For city
officers, when
held.

for the cities of Muskegon and Muskegon Heights, except the elective members of the school boards of said cities.

SEC. 3. Before the name of any person shall be placed upon the primary election ballot of any party, there shall be filed in the office of the county clerk of Muskegon county, the city recorder of the city of Muskegon, or the city recorder of the city of Muskegon Heights, as the case may be, a petition or petitions signed by qualified voters, as herein provided, belonging to the political party of which it is desired to have such person become a candidate for any office, petitioning such person to become a candidate for nomination to such office, and requesting that the name of such person be printed upon the primary election ballot as the candidate of said political party for said office. In case it is desired to have such person become a candidate for representative in the State legislature or county office in said county, such petition or petitions shall be filed in the office of said county clerk and shall be signed by at least fifty qualified voters belonging to said political party and residing in said county of Muskegon. In case it is desired to have such person become a candidate for a city office in said city of Muskegon, such petition or petitions shall be filed in the office of the recorder of said city and shall be signed by at least twenty-five qualified voters belonging to said political party and residing in said city of Muskegon. In case it is desired to have such person become a candidate for any ward office in said city of Muskegon, such petition or petitions shall be filed in the office of the recorder of said city and shall be signed by at least five qualified voters belonging to said political party and residing in said ward in said city of Muskegon. In case it is desired to have such person become a candidate for a city office in said city of Muskegon Heights, such petition or petitions shall be filed in the office of the recorder of said city and shall be signed by at least ten qualified voters belonging to said political party and residing in said city of Muskegon Heights. And in case it is desired to have such person become a candidate for any ward office in said city of Muskegon Heights, said petition or petitions shall be filed in the office of the recorder of said city and shall be signed by at least three qualified voters belonging to said political party and residing in said ward in said city of Muskegon Heights. No person shall sign the petition for more than one person to become a candidate for the same office at such primary election. Such petition or petitions shall be filed in the office of said county clerk, said recorder for the city of Muskegon, or said recorder for the city of Muskegon Heights, as the case may be, not later than five o'clock in the afternoon of the tenth day before the primary election day, and may be substantially in the following form:

"We, the undersigned, residents in....., State Form of of Michigan, and qualified voters therein, and belonging to

Petition to be filed.

What to contain.

For county offices, etc., where filed, etc.

Muskegon city, where filed, etc.

Ward offices.

Of Muskegon Heights City.

Ward offices.

No person to sign but one petition. When filed.

the.....party, do hereby petition.....
, who resides in the.....
 (City, ward or township.)
, county of Muskegon, State of Michigan, to become a
 candidate for nomination for the office of.....,
 to be made at the primary election of said party to be held
 on the.....day of....., 19...., and
 we do hereby request that the name of said.....
be printed upon the official primary election bal-
 lot, as provided by law, as the candidate of the.....
 party for said office."

To place
names on
ballot.

If the person so named in said petition or petitions shall be eligible for said office, and unless such person shall file in the office of said county clerk, recorder of said city of Muskegon, or recorder of said city of Muskegon Heights, as the case may be, before five o'clock in the afternoon of the eighth day before the primary election day, his written refusal to become a candidate for nomination for said office, signed by him, the county clerk, or the city recorder, as the case may be, shall place or cause to be placed the name of said person upon the primary election ballot of the designated party as herein provided.

This act is ordered to take immediate effect.

Approved January 26, 1905.

[No. 337.]

AN ACT to authorize and empower the board of education of the public schools of the city of Wyandotte, in the county of Wayne, to borrow not to exceed fifty thousand dollars and issue the bonds of the public schools of said city of Wyandotte therefor, for the purpose of building a school house and equipping the same.

The People of the State of Michigan enact:

Authorized to
issue bonds.

Amount.

Proviso.

Further
proviso.

SECTION 1. The board of education of the public schools of the city of Wyandotte, in the county of Wayne, is hereby authorized and empowered to borrow on the faith and credit of the public schools of said city of Wyandotte, a sum not to exceed fifty thousand dollars and issue the bonds of said public schools therefor: Provided, That the issue of said bonds shall be authorized by a majority vote of electors voting at any annual or special election called for that purpose and qualified to vote at such election, as provided by the general school laws of this State: Provided further, That any special election held under the provisions of this act shall be called and held in the same manner provided by law for holding

special school meetings in said city, and the votes shall be canvassed and returned in the same manner.

SEC. 2. Said bonds shall be issued in denominations of Denomination.
not less than three thousand dollars each, payable not more When pay-
than thirty years from the date of issue, and drawing in- able.
terest at the rate not exceeding five per cent per annum, pay-
able semi-annually. Such bonds shall be signed by the presi- Who to sign
dent and clerk of said board of education. Any coupons at- bonds.
tached thereto shall be signed by the clerk of said board.

This act is ordered to take immediate effect.

Approved January 26, 1905.

[No. 338.]

AN ACT to organize and incorporate the township of North Allis, Presque Isle county, as a single school district.

The People of the State of Michigan enact:

SECTION 1. The territory embraced in the township of Territory
North Allis, in the county of Presque Isle, is hereby de- embraced.
clared to be a single school district, which shall be a body
corporate by the name and style of "The public schools of Name.
the Township of North Allis," and by that name may sue
and be sued for all school debts properly contracted, and
shall be subject to all the general laws of this State relating
to corporations, so far as the same may be applicable; and Powers and
said school district shall have all the powers and privileges
conferred upon primary and graded school districts by the
general laws of this State. All schools in said district, and Schools to be
all schools hereafter organized therein in pursuance of this public and
act, shall, under the directions and regulations of the board free.
of education, be public and free to all persons actual resi-
dents within the limits thereof five years of age and over.

SEC. 2. The officers of said district shall consist of the Board of
supervisor of the township, who shall be ex officio president education,
of the board and shall not at the same time he is supervisor who to
hold the office of trustee, and four trustees, who shall con- constitute.
stitute the board of education of said district; the terms of
office of said trustees shall be four years each and until their
successors are elected and qualified. Said trustees shall When elected.
be elected by ballot at the annual township meeting of the
township of North Allis, upon the same ticket, and the vote
for members of the board of education shall be canvassed in
the same manner as is the vote for township officers. The first
election under the provisions of this act shall be held on the First election.
first Monday of April in the year nineteen hundred five, at
the usual place of holding the township election, at which

Notice.	time there shall be elected four trustees who, with the supervisor of the township, shall constitute the board of education thereof. Notice of the time and place of such election shall be given by the township clerk by printed or written notices posted in at least five public places in said township, at least ten days before the holding of such election. One trustee shall be elected for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years, and at said first election the term for which the trustee is elected shall be designated on the ballot as follows: "For member of the board of education for the term of one year." etc. At the annual township meeting of each succeeding year one trustee shall be elected to fill the vacancy occurring at that time.
Form of ballot.	
Clerk to notify trustees, elected.	SEC. 3. Within five days after the annual township meeting in said township, the township clerk shall notify in writing the persons elected as trustees under the provisions of section two of this act, and within five days thereafter the said trustees so elected shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution, before the township clerk or some other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same in the records of the proceedings to be kept by said board of education; and any trustee hereafter elected shall be notified in the same manner and shall take the same oath of office within five days after his notification as is herein provided for the trustees first elected. The term of office of all trustees elected as provided in this act shall commence on the third Monday of April following the annual township election at which they are elected.
When to subscribe oath of office.	
Oaths recorded.	
Term of office, when to commence.	
Township clerk, to be clerk of board.	SEC. 4. The township clerk of the township of North Alis annually elected, shall be, ex officio, clerk of said board of education and shall perform such duties as said board may require, but shall not be entitled to vote therein; and in case of the absence of said clerk the board may by resolution appoint some suitable person to perform such duties.
First meeting.	SEC. 5. The board of education, elected at the annual township meeting in the year nineteen hundred five, shall meet on the third Monday of April following said election, and annually thereafter, and elect from their own number a treasurer, who shall hold his office for one year from said third Monday of April and until his successor is elected and qualified. The board of education may fill by appointment any vacancy that may occur in the office of trustee, until the next annual election, and each trustee so appointed shall within ten days thereafter file with the clerk of said board the oath of office as prescribed in section three of this act.
To fill vacancy.	
Regular meetings.	SEC. 6. A majority of the members of said board of education shall constitute a quorum and the regular meetings of said board shall be on the third Mondays of April, August,

September, December and March in each year, and no notice of such meetings shall be required; and the president and clerk, or any two members of said board, shall be sufficient to adjourn any meeting from time to time until a quorum be present; and special meetings of said board may be called at any time on the request of the president, or two members of said board, in writing delivered to the clerk, and the clerk on the receipt of such request shall at once notify in writing each member of said board of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the office of the township clerk, unless otherwise directed by resolution of the board of education; and all business which the board of education is authorized to perform shall be done at a regular meeting thereof, or at a special meeting properly called. All the records and papers of said school district shall be kept in the custody of said township clerk and shall be open to inspection at any time by any legal voter of said district.

Who may
adjourn.

Special.

Where to be
held.

Custody of
records, etc.

SEC. 7. All the school property, real and personal, within the limits of the township of North Allis heretofore belonging to the different primary school districts in the township of North Allis, shall by force of this act become the property of said public schools of the township of North Allis hereby organized; and all the credits of the several primary school districts at the passage of this act shall belong to the said public schools of the township of North Allis hereby organized; and all the indebtedness of said several primary school districts at the time of the passage of this act shall be assumed and paid by the public schools of the township of North Allis hereby organized.

All property
vested in
public schools.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase schoolhouse sites, erect buildings and furnish the same, by a majority vote of said district board, and shall have power to employ legally qualified teachers; provide books for district library; to make by-laws in accordance with the general laws of the State, as to taking the school census of all children in said district between the ages of five and twenty years; to make all necessary reports and transmit the same to the proper officers as designated by law, so that the said district may be entitled to its proportion of the primary school interest fund; to make all necessary rules and regulations concerning the general management of the school; and to select textbooks for the use of the schools in said township: Provided, Their acts in this respect are not inconsistent or do not conflict with any general law relative to textbooks; and generally to do the things needful and desirable for the maintenance, prosperity and success of the schools of said district, and the promotion of the thorough education of the children thereof. And it shall be the duty of said board to apply

Powers of
Board.

Proviso.

	for and receive from the county treasurer, or other officers holding the same, all moneys apportioned for primary schools and the district library of said district, and may adopt such by-laws and rules for their own procedure as they may deem necessary: Provided, That the board of education shall divide the township into sub-districts and establish schools therein, whenever in their judgment such sub-districts may become necessary: Provided further, That it shall be the duty of said board to provide a school within reasonable distance of all children residing in said township, or provide for their transportation to schools already established.
Proviso as to sub-districts.	
Further proviso.	
Determine amount of money needed.	SEC. 9. The board of education, at their regular meeting on the third Monday of August in each year, shall make an estimate of, and determine, the amounts of money deemed necessary to be raised by taxes for the ensuing year, for all purposes of expenditures within the powers of said board, which estimates shall specify the amounts required for different objects of expenditures, and such shall be entered in the records of proceedings of said board; and the clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary, and certify the same to the supervisor of said township of North Allis, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: Provided, That for purchasing school lots and erecting schoolhouses no greater sum than five mills on the dollar, of all taxable valuation of the real and personal property of said district, shall be levied in any one year, during the five years from and after the passage of this act, and no greater sum than three mills on the dollar the years thereafter.
Clerk to make report.	
Proviso.	
Treasurer, duty of.	SEC. 10. The treasurer of the board shall have the keeping of the school and library moneys, and shall not pay out the same without the authority of the board, upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.
Annual statement of board.	SEC. 11. The said board shall annually, and on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed during the preceding year and the expenditures of said board for all purposes, and all the resources and liabilities of said district, which report or statement shall be entered at length in the records of said board and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to

the electors of said township of North Allis, at their annual township meeting on the first Monday of April thereafter, between the hours of twelve o'clock noon, and three o'clock in the afternoon. When read.

SEC. 12. The treasurer of the township of North Allis, shall, at any time, at the request of the board of education, report to the clerk the amount of school money in his hands, and shall, on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which shall be filed with the clerk of said board. Township treasurer, to make report.

SEC. 13. All taxes assessed within said township of North Allis for school purposes shall be set forth in the assessment roll of said township, in a separate column, apart and distinct from all other township taxes. School tax, kept separate.

SEC. 14. The compensation of the members, president and clerk of said board of education shall be one dollar and fifty cents for attendance upon regular meetings of the board provided for in this act, bills for the same to be audited by said board of education at any of its regular meetings. Compensation.

SEC. 15. The said board shall be the board of school inspectors for said township and shall, as such, report to the clerk of the county in which such township is located and shall have all the powers and perform all the duties now enjoyed and performed by boards of school inspectors; and the clerk of said board shall perform all the duties required by law of the chairman of the board of school inspectors; and the board of school inspectors for such township is hereby abolished, except as its powers are vested in said board of education. Shall constitute Board of School Inspectors.

This act is ordered to take immediate effect.

Approved January 26, 1905.

[No. 339.]

AN ACT to legalize certain building bonds issued by school district number one of the township of Lockport and city of Three Rivers, county of St. Joseph, Michigan.

The People of the State of Michigan enact:

SECTION 1. That bonds to the amount of twenty-five thousand dollars of school district number one of the township of Lockport and city of Three Rivers, county of St. Joseph, Michigan, for building a high school building in said district, and authorized by vote of the electors of said district at the annual school meeting held on the eleventh day of July, A. Bond issue legalized.

D. nineteen hundred four, are hereby made and declared legal and valid.

This act is ordered to take immediate effect.

Approved January 30, 1905.

[No. 340.]

AN ACT to amend section three of act number three hundred twenty-six of the local acts of nineteen hundred three, entitled "An act to provide for the nomination of candidates for election by popular vote and relating to primary elections in Kent county."

The People of the State of Michigan enact:

Section amended.

SECTION 1. Section three of act number three hundred twenty-six of the local acts of nineteen hundred three, entitled "An act to provide for the nomination of candidates for election by popular vote and relating to primary elections in Kent county," is hereby amended to read as follows:

When name of candidate to be placed on ballot.

Petitions, where filed.

Number of petitioners.

Form of.

Proviso.

Place name on ballot.

SEC. 3. The name of no person shall be placed upon any primary election ballot, unless at least ten days, and before five o'clock in the afternoon of the tenth day, before the primary election day, there shall be filed in the office of the city clerk of said city, if a candidate for a city or ward office, and in the office of the county clerk of said county, if a candidate for a county or legislative office, a petition or petitions duly signed by two hundred electors of the county, if for a county office; one hundred electors of the city, if for a city office; one hundred electors of the legislative district, if for a legislative office; and twenty-five electors of the ward, if for a ward office; which petition must be in substantially the following form:

"We, the undersigned, members of the party, electors of the county of Kent and State of Michigan, or city of Grand Rapids, Kent county, Michigan, or senatorial district, or legislative district, or ward, city of Grand Rapids, Kent county, Michigan, (as the case may be) most respectfully petition and request that the name of (a member of the same party) be placed upon the ballot to be prepared for use at the next primary election, as a candidate for the nomination upon the same ticket, as the party candidate for (name the office) :"

Provided, That if any elector shall sign more than one petition for the same office, his signature shall be void on all petitions for that office except the first one he signed. The county clerk, or the city clerk, as the case may be, shall then place, or cause to be placed, the name of such person

upon the primary election ballot of the designated party as hereinafter provided. The said county or city clerk shall number each petition in numerical order as received. Petitions to be numbered.

This act is ordered to take immediate effect.

Approved February 8, 1905.

[No. 341.]

AN ACT to provide for the nomination by popular vote of candidates for election to the office of circuit judge in the Fourteenth Judicial circuit, composed of the counties of Muskegon and Oceana, and to regulate such primary elections, and to repeal all acts and parts of acts inconsistent herewith.

The People of the State of Michigan enact:

SECTION 1. On the fifth Tuesday preceding any general spring election, or special election, at which a circuit judge of the Fourteenth Judicial circuit, composed of the counties of Muskegon and Oceana, is to be elected, a primary election shall be held in the several townships of said counties of Muskegon and Oceana, and wards of the cities of Muskegon, North Muskegon and Muskegon Heights, and at said primary election the candidates for said office of circuit judge of said Fourteenth Judicial circuit, who are to be voted for at the ensuing election, shall be chosen by popular vote as herein-after provided. Circuit judge to be nominated by popular vote.

SEC. 2. The primary elections of all political parties shall be held at the same time and place and in the manner provided for in this act (and not otherwise), and the person who receives on any party ballot the greatest number of votes for the nomination for such office of circuit judge shall be the candidate of his party for said office at the next ensuing election. The judges of primary election provided for in this act shall be appointed, designated and compensated as are inspectors of general elections in said counties. Primaries held at same time. Appointment of judges of election.

SEC. 3. Before the name of any person shall be placed upon the primary election ballot of any party, as hereinafter provided, there shall be filed, in the office of the county clerk of the county in which such person resides, a petition or petitions signed by at least fifty qualified voters residing in said Fourteenth Judicial circuit and belonging to the political party of which it is desired to have such person become a candidate for such office of circuit judge, petitioning such person to become a candidate for nomination to said office, and requesting that the name of such person be printed upon the Duties of candidates. Number of petitioners.

No person to sign more than one petition.	primary election ballot as the candidate of said political party for said office. No person shall sign more than one such petition for such primary election, nor the petition for more than one person to become a candidate for said office at such primary election. Such petition or petitions shall be filed in the office of said county clerk not later than five o'clock in the afternoon of the tenth day before the primary election day, and may be substantially in the following form:
Petition to be filed.	
Form of petition.	"We, the undersigned, residents in the Fourteenth Judicial circuit, State of Michigan, and qualified voters therein, and belonging to the party, do hereby petition , who resides in the city or township of , county of (Muskegon or Oceana), State of Michigan, to become a candidate for nomination for the office of circuit judge of said Fourteenth Judicial circuit, to be made at the primary election of said party, to be held on the day of , 19...., and we do hereby request that the name of said..... be printed upon the official primary election ballot, as provided by law, as the candidate of the party for said office."
Duty of county clerks.	If the person so named in such petition or petitions shall be eligible for said office of circuit judge, and unless such person shall file in the office of said county clerk, before five o'clock in the afternoon of the eighth day before the primary election day, his written refusal to become a candidate for nomination for said office, signed by him, the county clerk of the county of Muskegon and the county clerk of the county of Oceana shall place, or cause to be placed, the name of said person upon the primary election ballot of the designated party as herein provided.
Vote by ballot.	SEC. 4. The method of voting at said primary election shall be by ballot, and all ballots voted shall be printed and prepared as herein mentioned. On the seventh day before any primary election to be held under the provisions of this act, the county clerks of Muskegon and Oceana counties shall group all the candidates of each political party for said office by themselves, and shall at once prepare in writing separate ballots for each political party, which ballots shall be posted in some conspicuous place in each of their offices for the purpose of inspection, and said county clerks shall then proceed to have printed separate ballots for each political party, which ballots shall be prepared and printed in the following manner: Each party ticket shall be printed in black ink on white paper, and all ballots used at any election shall be uniform in color and size. Across the head of each ticket shall be printed in plain black type the name of the political party and the words "Primary election ballot." On the next line and in smaller type shall be printed the words "List of candidates for nomination for the office of circuit judge," to be voted for in the ward or township (naming the
When and by whom prepared.	
Ballots shall be posted.	
How prepared and printed.	
Form, etc.	

ward of the city or the township that said ballot is intended for) followed by "County of Muskegon" or "County of Oceana," as the case may be. The balance of the ticket is to be under the head, in two columns, with a design of parallel or fligree rule to separate the columns. At the top shall appear the words "To vote for a person mark (X) in the square at the left of the name of the person for whom you desire to vote." This sentence shall be enclosed in a rule the same as the names of each candidate, and at its end shall be a square directly over the squares in which marks are to be made. In that square there shall be a black cross to show the voter how to mark the ballot. Beginning at the top of the left hand column, at the left of the line in black type, shall appear the words "Circuit Judge." Following this shall come the names of each candidate for said office enclosed in light-face rule with a square to the extreme left. The parallel rules containing the name to be at least one-sixth of an inch apart.

SEC. 5. The name of each candidate for such office shall be printed on the ballot and the position shall be changed on the ballot after each one hundred ballots have been printed. The printer shall take the line of type at the head of the division and place it at the bottom of the division, shoving up the column so that the name that was second before the change will be first after the change. The ballots of each political party shall be alike. They shall be kept in separate piles, one pile for each change of position, and then shall be piled by taking one from each pile and placing it upon the pile to be cut, the intention being that every ballot in the pile shall have a different position as near as may be. After the pile is made in this manner, they may be cut and placed in piles as provided by the general election laws. There shall be no printing on the backs of the ballots or any marks to distinguish them but the initials of the chairman of the board of inspectors.

Position, etc.,
of names on
ballots.

SEC. 6. It shall be the duty of the county clerk of Muskegon county and the county clerk of Oceana county to provide and prepare a sufficient number of ballots to be used at such primary elections; at least three ballots to every two electors of each party according to the vote at the last preceding general election. A proof copy of the ballot shall be placed on file in the office of the county clerk of each of said counties of Muskegon and Oceana, to be open for the inspection of candidates named thereon, at least five days prior to said primary election. The ballots shall be delivered by the said several county clerks to the several chairmen of the several boards of inspectors in the several wards or voting precincts of said cities, and the said township and election districts of each of said counties, in the manner provided by the general election laws of the State of Michigan for the delivery of ballots.

Clerks to sup-
ply ballots.

Proof copy
to be filed.

To whom
ballots de-
livered.

SEC. 7. It shall be unlawful for the printer of such ballots or any other person to give or deliver to any one, or knowingly permit any of said ballots to be taken by any

Not to be
given any one
except county
clerks.

person other than the said county clerks, for whom such ballots are being printed, or print, or cause, or permit to be printed, any primary election ballot in any other form than the one prescribed by this act, or with any other names thereon, or with names misspelled, or the names arranged in any other way than that authorized and directed by said county clerks.

Place of
holding
primary.

Who to give
notice of.

SEC. 8. A primary election shall be held in each voting precinct in said counties, and at the place designated by the officers whose duty it is to designate the places for holding elections. At least ten days prior to the time herein set for the holding of such primary elections, the sheriff of Muskegon county and the sheriff of Oceana county, each in his own county, shall give notice of the holding of such election, which notice shall be in writing and delivered to the township clerk of each township and to the several chairmen of the several boards of primary election inspectors in said cities of Muskegon, North Muskegon and Muskegon Heights.

Board elec-
tion inspect-
ors of Mus-
kegon County.

SEC. 9. In the county of Muskegon, the several boards of primary election inspectors to manage and conduct such elections in the various voting precincts shall be the same, and shall consist of the same persons, and shall perform the same duties, so far as applicable, as the several boards of primary election inspectors provided for in act number five hundred two of the local acts of nineteen hundred three, entitled "An act to provide for the nomination of candidates for election by popular vote and relating to primary elections in Muskegon county, and to repeal all acts and parts of acts inconsistent herewith," or as the same may be amended. In the county of Oceana, the several boards of primary election inspectors to manage and conduct such elections in the various voting precincts shall be the same, and shall consist of the same persons, and shall perform the same duties, so far as applicable, as the several boards of election inspectors provided for by the general election laws of this State. The members and clerks of said several boards of primary election inspectors shall each receive three dollars for his services at such primary election, to be paid from the same fund and in the same way as in general elections: Provided, however, That in case any other primary election shall be held in any voting precinct at the same time and place as the primary election under this act, no member nor clerk of the board of primary election inspectors for such voting precinct shall receive more than the sum of three dollars for his services at all such primary elections.

Of Oceana
County.

Compensation
of members
and clerks.

Proviso.

Arrangement
of polling
place, ballot
boxes, etc.

SEC. 10. The following sections of the general election law of this State, relative to the arrangement of the polling places, the ballot boxes, booths, inspectors and clerks, are hereby made applicable to primary elections held under this act, to-wit: Sections three thousand six hundred thirty-two as amended, and three thousand six hundred seventeen of the compiled laws of eighteen hundred ninety-seven.

Sec. 11. The polls in the several voting precincts on the primary election day shall be kept open for the purpose of voting, from twelve o'clock noon until eight o'clock in the evening: Provided, That in the townships the polls shall be closed at six o'clock in the afternoon.

Time polls kept open.

Proviso.

Sec. 12. All persons entitled to vote in any precinct at the next ensuing election shall be entitled to vote in that precinct in the primary election. No voter shall receive a primary election ballot, or be allowed to vote, until he has first duly registered as a voter in the manner provided by law, and it shall be the duty of inspectors of primary elections to examine the books of registration and know that each voter is duly registered and entitled to vote before his ballot shall be received: Provided, That any person not already registered, who will be entitled to vote in that precinct at the next ensuing election, may then and there be registered in the book of registration to be provided for that purpose. An elector offering to vote shall receive the ticket or ballot of but one political party. It shall be incumbent upon him to state to the inspector of election, having in charge the handing of ballots to electors, the ticket he desires, such as, "the republican," "the democratic," or the ticket of any party he may name. If his right to vote that ticket is not challenged, he shall be entitled to receive that ticket forthwith. It shall be competent for any elector or inspector of primary election present, to challenge the right of any one offering to vote, on the ground that he is not a legal voter in that precinct, or that he is generally known to belong to a political party opposed to the party whose ticket he has asked for. When the right of any voter to cast a ballot is challenged, he shall be entitled to make oath that he will be entitled to vote in that precinct at the next ensuing election and that he is in sympathy with the political party whose ticket he proposes to vote. Such oath or affidavit shall be in the following form: "I, do hereby solemnly swear that I am a resident and voter in the township of, or precinct of ward of the city of, or will be at the next ensuing election; that I am in sympathy with the principles of the party and expect to vote the ticket of that party at the next ensuing election." The inspectors of primary elections, in their discretion, may require a voter challenged to subscribe to the above oath or affidavit. Printed copies of it for that purpose shall be furnished in sufficient number as primary election tickets and tally sheets are furnished. When a challenge is decided in favor of a voter, he shall then receive the ballot asked for and be entitled to the privilege of voting, the same as though his right had not been challenged. When any voter shall be challenged, the inspector receiving the tendered vote shall place a number on the back

Who entitled to vote.

Proviso.

Elector to state ballot wanted.

Challenge of voter.

May swear in vote.

Form of oath.

Inspectors may require voter to subscribe oath.

Challenged vote to be numbered.

of the ballot. The same number shall be set opposite the person's name offering such challenged vote by the clerk of said primary election. The numbers are not to be divulged to any person or persons whomsoever, unless there shall be a contest or a recount of the legality of the primary election, or an order to do so by a court of competent jurisdiction. The first challenged vote shall be numbered one and then each challenged ballot shall be in numerical order as the challenges are made.

Marking, etc.,
of ballot by
elector.

SEC. 13. When an elector has received his ballot, he shall forthwith retire to an unoccupied booth and, without delay, mark the ballot as he sees fit, with the pencil to be found in such booth. If he soils or defaces said ballot, he shall at once return the same and get a new ballot. In marking his ballot, the elector shall designate his choice on his ballot by marking a cross (X) in the small square opposite the name of the candidate for whom he desires to vote. When he has prepared his ballot, he shall fold it with the edge upon which are the initials of the chairman uppermost, and so as to conceal the face thereof and all marks thereon, and shall hand the same to the inspector of said primary election who is in charge of the ballot box. The folded ballots, when returned, shall be placed in the proper ballot box and the name of the voter shall be checked off upon the registration list kept by said board of inspectors of the primary election.

Ballot, how
folded, de-
posited, etc.

Registration
books to be
furnished
inspectors.

SEC. 14. At such primary election, and as soon, at least, as the polls are opened, the township clerk in townships and the proper official in cities, shall cause the register of voters of such voting precinct to be placed in the hands of the inspectors of the primary election, to be used by them during such primary election, and to be returned immediately thereafter to the officer from whom received; and the inspectors shall not receive the vote of any person whose name is not written therein, unless the name of such person shall then be registered in the manner herein provided.

Extra register
to be kept by
inspectors.

Any person whose name is not written in said register, and who is a resident of that voting precinct, and will be entitled to vote therein at the next ensuing election, shall be entitled to have his name registered in an extra book, to be kept and used by said inspectors of primary election for that purpose, which book shall be furnished and delivered to said inspectors of primary election at the same time and by the same officer as the register of voters of such voting precinct, and shall be returned to such officer at the same time and in the same manner as such register is returned. After such registration, the person whose name is so registered shall be entitled to the privilege of voting at such primary election, the same as though his name had been written in the register of the voters of such voting precinct.

SEC. 15. As soon as the polls are finally closed, the board of primary election inspectors shall proceed to canvass the votes. Such canvass shall be public. The ballot boxes shall be opened and the whole number of ballots counted. If the ballots shall be in excess of the number of electors voting according to the poll list, they shall be replaced in the box and one of the inspectors shall publicly draw out and destroy so many ballots therefrom unopened as shall be equal to such excess. Except as herein otherwise provided, the matters pertaining to the canvassing of votes shall be conducted in the manner prescribed for the canvassing of votes at general elections in this State. Canvass of votes.

SEC. 16. Two sets of tally sheets or two tally books for each political party having candidates to be voted for at such primary election, shall be furnished for each voting precinct by the county clerk of the county in which such voting precinct is located, at the same time and in the same manner that the ballots are furnished, and shall be substantially as follows: Each tally sheet, or the first sheet for each tally book to be furnished, shall be headed: "Tally sheet for (name of political party), (name of county or city), (ward or town), voting precinct for a primary election held..... (date)." Opposite the names of the respective candidates shall be placed the whole number of votes cast for him at said primary election. This tally sheet, together with the ballots, shall be placed in the ballot boxes and delivered by the chairman of said board of primary election inspectors to said county clerk. Two sets of tally sheets to be furnished.

Heading.

How made out.

Tally sheet, etc., to whom delivered.

SEC. 17. The judge of probate and county clerk of Muskegon county, the judge of probate and county clerk of Oceana county, and the recorder of the city of Muskegon shall constitute the canvassing board for said Fourteenth Judicial circuit, for the purpose of the primary elections, and shall meet in the office of the probate judge in the court house of Muskegon county at ten o'clock in the forenoon of the Thursday next following said primary elections and shall proceed, after taking the usual oath of office, openly and publicly to canvass the primary election returns made to said county clerks. The canvassing board need not wait until all the returns are at hand before beginning such canvass. Canvassing board, who to constitute.

Meetings.

SEC. 18. The canvassing board shall make and prepare duplicate statements, the same to be signed by the said board and one filed in the office of each of said county clerks, as follows: To prepare duplicate statements.

First, A statement containing the names of all candidates for circuit judge voted for at the primary election, with the number of votes received by each; said statement to be made as to each political party separately; Statement of votes.

Of persons
receiving
nomination.

Second, A statement of the name of the person or candidate of each political party who is nominated, to-wit: The person or candidate of such political party who receives the highest number of votes for said office of circuit judge; said statement shall in like manner be made separately as to each political party.

Nominee, how
determined in
case of tie.

If two or more candidates of the same political party are tied for said office, the tie shall be determined by lot to be cast then and there by the canvassing board in such manner as it may determine. It shall be the duty of such canvassing board to notify each of the successful candidates of his nomination, and that his name will be placed upon an official ballot at the next ensuing election.

Board to
notify
candidates.

Who to be
candidates.

SEC. 19. The person whose name is so properly placed in said nominating statements shall be and constitute the nominee for circuit judge of the political party of which he is a candidate, and his name shall be printed upon the official ballots prepared for the ensuing election in like manner as if such person had been duly nominated by a party convention of delegates, with a certificate thereof, filed as required by said general election law. No name of any candidate of any political party, which is required to make nomination under this act, of a candidate for the office of circuit judge, shall be placed upon the official election ballot unless such candidate has been chosen in accordance with this act, except in the case of vacancy occasioned by death, removal or resignation, or in case the candidate so nominated shall be disqualified from holding the office of circuit judge under the laws of this State, and, in such event, the campaign party committee of the same political party for such judicial circuit, or if there be no such committee, then a mass convention of such party may fill such vacancy, and, except in case a candidate for said office of circuit judge, desiring to be placed on such official ballot, has been nominated as an independent candidate in mass convention by at least two hundred electors of said judicial circuit. The name of such new candidate, or such candidate to fill vacancy, shall be certified under oath to the county clerks of Muskegon and Oceana county by the chairman or secretary of such committee or convention, who shall certify the name of such candidate to the proper election commissioner.

Vacancies,
how filled.

Nominees to
select party
campaign
committee.

SEC. 20. The candidate nominated under the provisions of this act shall, immediately after his nomination, select a chairman and secretary of the party campaign committee, who, together with the members of the county party campaign committee of Muskegon county and the members of the county party campaign committee of Oceana county, shall constitute the party campaign committee of said Fourteenth judicial circuit, and shall direct the campaign of such party for the office of circuit judge of said judicial circuit.

The chairman and secretary so selected shall hold office for six years and until their successors are elected and qualified. Chairman, etc., term of office.

SEC. 21. Any candidate for circuit judge voted for at a primary election in said judicial circuit may contest the nomination of any candidate against him at said primary election, by filing a petition with the probate judge of the county in which he resides, within twenty-four hours after the close of the polls, in which he shall specify the causes for which such application is made. Such petition shall be brought before the canvassing board created by section seventeen of this act. Said board shall proceed as herein-after provided: Contesting nominations. Provided, That at the time of filing his petition he shall deposit twenty-five dollars with said judge of probate, which amount shall be disposed of as herein-after provided:

(a) Said petition shall set forth that the petitioner was a candidate for the office of circuit judge, and that he received votes therefor, and that he has good reason to believe and does believe either: Petition, what to set forth.

1. That there was error or fraud in the count or in the returns of the inspectors of the election;

2. That there was error or fraud in the count or in the determination of said board of canvassers;

3. That there was error or fraud in both, and further stating that he believes that unless the ballot boxes are opened and votes counted without unnecessary delay, his rights will be jeopardized.

Said petition shall be in writing and shall be subscribed and sworn to by the person or by some one in his behalf. A copy thereof shall be served upon the person or persons who are candidates for such office of circuit judge at said primary election.

(b) Upon the filing of said petition, said judge of probate shall forthwith notify the members of said board of canvassers, created by section seventeen of this act, of the filing of said petition, and shall, in the notice, appoint a time and place for the board of canvassers to meet, which time shall not be more than twenty-four hours after the filing of said properly verified petition; and such judge of probate shall issue an order causing the ballot boxes to be brought before the board of canvassers at the place and time specified in the order, and a copy of such order shall be served upon the person whose election is to be contested, and also upon the officers in whose custody is kept the ballot boxes of said primary election, whose duty it shall be to produce said ballot boxes before said board of canvassers, at the time and place named in said order. The provisions of sections three thousand seven hundred twenty-nine, three thousand seven hundred thirty, three thousand seven hundred thirty-one, and three thousand seven hundred thirty- When board of canvassers to meet. Certain sections applied.

Penalty for
electioneering,
buying votes,
etc.

two of the compiled laws of eighteen hundred ninety-seven are hereby made applicable as far as possible to this act.

SEC. 22. Any person who shall, while the polls are open at any balloting place on any primary election day, do any electioneering in said polling place, or within two hundred feet of said polling place; any person who shall offer or give to another person any intoxicating liquors, or drink any intoxicating liquors within any such polling place; any person who shall solicit or receive, directly or indirectly, by himself or agent, any money or promise of place or position, or any valuable consideration for his vote or support at any primary election; any person who shall offer any voter any money or reward of any kind, or who shall promise any place or position for the purpose of securing such votes or vote, or support, at any such primary election; any person who shall knowingly violate any of the provisions of this act; any person who shall refuse to perform any duty enjoined upon him by this act; any person who shall vote or attempt to vote more than once, or in more than one election district, at the same primary election; any person who shall solicit another person to vote more than once at said primary election, shall be guilty of a misdemeanor. Any person who shall be convicted of any of the acts or omissions which are by this act declared to be misdemeanors, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Repealing
clause.

SEC. 23. All acts or parts of acts in anywise contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved February 8, 1905.

[No. 342.]

AN ACT to amend section one of chapter six, sections twenty-two and twenty-six of chapter seven, and sections thirty, thirty-five and thirty-seven of chapter eight of act number three hundred sixteen of the local acts of eighteen hundred ninety-seven, entitled "An act to reincorporate the city of Ironwood, in the county of Gogebic, and to repeal all acts and parts of acts inconsistent herewith."

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Section one of chapter six, sections twenty-two and twenty-six of chapter seven and sections thirty, thirty-five and thirty-seven of chapter eight of act number

three hundred sixteen of the local acts of eighteen hundred ninety-seven, entitled, "An act to reincorporate the city of Ironwood, in the county of Gogebic, and to repeal all acts and parts of acts inconsistent herewith," are hereby amended so as to read as follows:

CHAPTER VI.

COMPENSATION OF OFFICERS.

SECTION 1. The mayor shall receive for his services, in full, the sum of fifty dollars per year. Each alderman shall receive the sum of two dollars for each meeting of the common council, and two dollars per day for each day served as a member of the board of review or board of registration, or as inspector of elections; but no alderman shall receive any compensation for any meeting of the council he does not attend, nor for services on the boards of review and registration, or as inspector of election when not actually present and acting. The common council shall, at its first meeting after each annual election, fix the salaries of all the city officers, unless otherwise provided by this act, or by law, but subject to the following limitations: The city clerk shall receive not to exceed eight hundred dollars per annum. The assessor shall receive not to exceed three hundred and fifty dollars per annum. The city attorney shall receive not to exceed five hundred dollars per annum: Provided, however, That whenever the city attorney shall be directed to appear in, defend, or prosecute any action pending in any court outside of the county of Gogebic, the common council may pay such amount as it may deem just to defray the necessary traveling expenses of said city attorney, while absent from the county on legal business for the city. The city marshal shall receive not to exceed one thousand dollars per annum, but he shall also be entitled to receive from the city, for the board of prisoners, confined in the city prison, on city process, the same compensation allowed the sheriff of Gogebic county for board of prisoners by the board of supervisors, and all said bills for board of prisoners shall be submitted by him monthly and be sworn to by him as true and accurate. The street commissioner shall receive not to exceed seven hundred twenty dollars per annum. The policemen who serve by day shall receive not to exceed fifty-five dollars per month, and those who serve at night shall receive not to exceed sixty dollars per month. The health officer shall receive not to exceed three hundred dollars per annum. The city engineer shall receive not to exceed three hundred dollars per annum. The chief of the fire department shall receive not to exceed eight hundred dollars per annum. Each justice of the peace of the city shall receive the sum of fifty

Of mayor and
aldermen.

Of other
officers, how
fixed.

Proviso.

dollars per annum, in lieu of all fees for the trial of causes under the ordinances of the city, and for all services of whatever nature and kind performed for the city. The members of the regular paid force of firemen shall receive not to exceed fifty-five dollars per month.

CHAPTER VII.

DUTIES AND QUALIFICATIONS OF OFFICERS.

- Of treasurer.** SEC. 22. The city treasurer shall be the treasurer of the city and shall have the custody of all money and funds belonging to it. He shall perform all the duties required of him by law and by local act number three hundred fifty-five, of the local acts of the State for the year eighteen hundred ninety-five, and such other duties as may be legally required of him by ordinance or resolution of the common council. He shall also give bonds in such amount as may be fixed by the board of trustees of the public schools of the city of Ironwood for all school moneys which may come into his hands as such treasurer. Said bonds to be approved by the common council. Said bonds shall be filed with the treasurer of the said board of trustees.
- Amount of bond, by whom fixed.**
- Where filed.**
- Of street commissioner.** SEC. 26. The street commissioner shall perform such duties in regard to the destruction of Canada thistles and noxious weeds within the limits of the city as shall be required by the common council.

CHAPTER VIII.

COMMON COUNCIL—WHO SHALL CONSTITUTE—POWERS, DUTIES, PROCEEDINGS, ETC.

- Amount council may raise.** SEC. 30. No money shall be raised and no bonds issued for the purposes provided in the three preceding sections in any amount exceeding three per cent, of the total valuation of the taxable property of the city of Ironwood, as equalized by the board of supervisors of Gogebic county for the year preceding the time when said bonds shall be issued, and not to exceed two-thirds of the amount authorized in this section shall be used for the purchase or construction of a water works system for the city. And one-third of said amount for the purchase or construction of an electric light plant for furnishing light for the city and the inhabitants thereof.
- Judgment or decree, how paid.** SEC. 35. Whenever the city shall become indebted to any person, persons, association or corporation by reason of a judgment or decree having been rendered or decreed against the city in a court of record, the common council, in order to pay such indebtedness, may, by a two-thirds vote of all of

the aldermen elect, proceed to issue certificates of indebtedness and negotiate and sell the same to raise money to pay such judgment or decree together with the interest thereon and the costs taxed against the city. Said certificates of indebtedness shall be in such form as the council may prescribe, and they shall be known and described as judgment certificates of the city of Ironwood, Michigan. They shall bear interest at not more than six per cent per annum, and be made payable in not more than five years from the date of the issue thereof. In case, however, the common council shall determine that it shall be more expedient to issue bonds for the payment of such judgment or decree, together with the interest thereon and costs, thereupon the common council may, by a two-thirds vote of all the aldermen elect, issue the bonds of the city to an amount not exceeding said judgment or decree with the interest and costs. Said bonds shall be known and described as judgment bonds of the city of Ironwood, Michigan. When certificates of indebtedness or city bonds are issued under the provisions of this section, it shall not be necessary to submit the question of the issuing thereof to the electors of the city for their approval.

Form of
certificates

Rate of
interest.

May issue
bonds.

SEC. 37. All certificates of indebtedness, or bonds, issued by the city shall be numbered in the order of their issuance. They shall be issued under the seal of the corporation, be signed by the mayor, and countersigned by the city clerk.

Certificates
and bonds to
be numbered.

This act is ordered to take immediate effect.

Approved February 8, 1905.

[No. 343.]

AN ACT to incorporate the village of Alanson, in the county of Emmet.

The People of the State of Michigan enact:

SECTION 1. All that territory situated in the township of Littlefield, county of Emmet and State of Michigan, and described as follows, viz.: The northwest quarter and the southwest quarter, the west half of the southeast quarter and the west half of the northeast quarter, of section ten; also, the east half of the northeast quarter, and the east half of the southeast quarter of section nine, all in township thirty-five north, range four west, and including one square mile of territory according to the United States survey thereof, said territory including the recorded plats of the village of Alanson and all subdivisions thereof, hereby is organized, incorporated, made and constituted a village by the name of Alanson.

Boundary,
what to
include.

**Powers and
duties of
village.**

SEC. 2. The inhabitants of said village shall be and constitute a body corporate and politic, to be known and distinguished by the name and title of the village of Alanson, and the said village shall be vested with all the powers and privileges, and subject to all the restrictions and liabilities, of villages organized under an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and all acts amendatory thereof or in addition thereto.

First election.

SEC. 3. The first election of officers for said village shall be held on the first Tuesday after the first Monday in March, nineteen hundred five, at Emmet R. White's store building situated in said village.

**Board of
registration.**

SEC. 4. Emmet R. White, Milton Bonz, George F. Hurst and Amos B. Amon, are hereby constituted the board of registration and election for the purpose of registering voters for the first election to be held in said village, and of acting as inspectors of election at said first election, and the said board of registration is hereby directed to meet on the Saturday preceding the said first Tuesday after the first Monday in March, in the year nineteen hundred five, in Emmet R. White's store building, in said village of Alanson, and register the names of all persons, residents of said village, presenting themselves for registration, and having the qualification of voters under the constitution and laws of the State of Michigan.

When to meet.**Notices of
election.**

SEC. 5. Notices of said first election of officers of said village shall be posted in three of the most public places in said village, at least five days before the date of said election, which notice may be signed by any five electors in said village.

**Village, how
governed.**

SEC. 6. The said village of Alanson shall, in all things not herein otherwise provided, be governed by the said act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and the acts amendatory thereof and in addition thereto.

**When may
hold special
election.**

SEC. 7. In case the officers of said village are not elected at the time designated in section three of this act, the election for such officers may be held at any time within one year from the time designated in said section, notice thereof being given as provided in section four of this act.

This act is ordered to take immediate effect.

Approved February 13, 1905.

[No. 344.]

AN ACT to amend title seventeen of act number four hundred forty-two of the local acts of nineteen hundred one, entitled "An act to re-incorporate the city of Menominee, to provide for the election and appointment of officers therein, and to repeal act number two hundred twenty-eight of the local acts of eighteen hundred eighty-three, entitled 'An act to incorporate the city of Menominee,' and to repeal act number two hundred eighty-one of the local acts of eighteen hundred ninety-one, entitled 'An act to revise and amend the charter of the city of Menominee,' being act number two hundred twenty-eight of the local acts of eighteen hundred eighty-three, entitled 'An act to incorporate the city of Menominee,' approved April nine, eighteen hundred ninety-one, and all amendments thereto," approved May twenty-second, nineteen hundred one.

The People of the State of Michigan enact:

SECTION 1. That title seventeen of act number four hundred forty-two of the local acts of nineteen hundred one, entitled "An act to re-incorporate the city of Menominee, to provide for the election and appointment of officers therein, and to repeal act number two hundred twenty-eight of the local acts of eighteen hundred eighty-three, entitled 'An act to incorporate the city of Menominee,' and to repeal act number two hundred eighty-one of the local acts of eighteen hundred ninety-one, entitled 'An act to revise and amend the charter of the city of Menominee,' being act number two hundred twenty-eight of the local acts of eighteen hundred eighty-three, entitled 'An act to incorporate the city of Menominee,' approved April ninth, eighteen hundred ninety-one, and all amendments thereto," approved May twenty-second, nineteen hundred one, is hereby amended so as to read as follows: Act amended.

TITLE XVII.

SECTION 1. There is hereby recognized and established, and the council of the city of Menominee shall have power to maintain a free public library for the use and benefit of the inhabitants of said city, and the public library now being maintained by said city is hereby recognized as the free public library of said city and the same shall hereafter be managed, controlled and maintained under the provisions of this act, and shall be designated by such appropriate name as the council shall prescribe. Council to maintain free public library.

SEC. 2. There is hereby constituted a board of library trustees for said city to consist, besides the mayor, of five Board of trustees.

When ap- pointments to be made.	citizens at large of said city, to be appointed by the mayor, with the approval of the council, with reference to their fitness for such office and the mayor shall ex officio, be a member of said board. Such appointments shall be made as soon as convenient after this act shall take effect, and in making such appointment one member thereof shall be designated to hold office for the term ending one year from the first Monday in May nineteen hundred five, one for the term ending two years, one three years, one four years and one five years from and after that date, and the terms of the trustees so to be appointed shall commence immediately upon such appointment, and at the first council meeting in May, nineteen hundred six, and of each year thereafter, one trustee shall be appointed, for the term of five years, in the place and stead of the trustee whose term then expires: Provided, That in making the appointment of trustees so first to be made hereunder, the members of the existing board may be recognized or reappointed for terms at least equal to the unexpired portions of their present terms. In case of a vacancy in the office of any such trustee such vacancy may be filled by appointment in manner herein provided for original appointments; trustees appointed hereunder shall serve without compensation and shall be subject to removal by the mayor for negligence or want of attention to the duties of the office, or for any misuse of their trust. The terms of the office of the trustees to be appointed hereunder shall continue, respectively, until their successors are appointed, unless removal under the provisions hereof; and, the existing board of library trustees shall have control of the affairs of the library, under the provisions hereof, until the new board of library trustees herein provided for shall be appointed.
Term of office.	
Proviso.	
Vacancies, how filled.	
Service with- out compen- sation.	
Powers of existing Board of Trustees.	
When board to organize.	SEC. 3. Said board of trustees shall, immediately after appointment, and annually after the appointment of a new member thereof, organize the board by the election of one of its members as president, and one as vice president of the board.
Board to appoint li- brarian, etc., and to fix compensation.	SEC. 4. The board shall have power to appoint a librarian, and one or more assistant librarians, and such janitors and other assistants or servants as may be required, and may fix their compensation and terminate their appointments at pleasure. The librarian shall be the secretary of the board.
Have charge of property, etc.	SEC. 5. The said board of library trustees shall have full and complete charge of the property and affairs of the library, and the disbursement of the library fund, subject to such direction, provision and limitation as shall be from time to time prescribed by the council.
Shall keep record.	SEC. 6. The said board shall keep a full and complete record of its proceedings, and of its receipts and disbursements, in books to be provided therefor, and the same shall be kept as public records, in the office of said board.

SEC. 7. The said board shall have power to establish rules and regulations for its own procedure and for the conduct of the library, and the protection, use and management thereof, and of the library buildings and lot, and may prescribe and regulate the duties of all officials and employees: **Power to establish rules, etc.** **Proviso.** Provided, Such rules and regulations shall not conflict with any ordinance of the city.

SEC. 8. Said board shall annually on the third Monday in March, and oftener when required so to do by the council, render to the council of said city a statement of the condition of their trust at the date of their report, the various sums of money received from the library fund, and from other sources; the various sums expended and the purposes thereof; the number of books and periodicals on hand; the number lost or missing; the number of books loaned out; and the general character and kind thereof; the number of visitors registered, and such other statistics, information and suggestions as they may deem of general interest. **To make annual statement.**

SEC. 9. The board shall each year, prior to the passage of the annual appropriation bill by the council, render to the council an estimate of the amount necessary to be provided as the probable expense of the library for the ensuing year. **Make estimate to council.**

SEC. 10. The council shall annually provide such library fund as may be required to meet the reasonable expense of maintaining and conducting the library, not to exceed one mill on the dollar, and not less than such amount as is required by the condition of any gift of library property accepted by said city. The council shall have the power to and shall raise by tax, in the usual manner, the whole, or such part of such amount as shall not otherwise be provided to supply said library fund, as hereinafter referred to. All moneys which by the constitution and laws of the State are made applicable to library purposes within the territory comprising said city of Menominee, shall be payable to and be paid into the library fund of said city for the support and maintenance of said library under the provisions hereof: **Council to provide library fund.** **Power to raise by tax.** **Proviso.** Provided, That when the moneys so coming to said fund under the provisions last above mentioned shall exceed the amount which the council shall deem necessary, or be obligated under any condition, to provide for library purposes, then the council of said city may direct the excess of such fund to be paid into the treasury of the "Public Schools of the city of Menominee," to be used for school purposes under the direction of the board of trustees of said schools. **Where excess to be paid.**

SEC. 11. The title to all property held or procured for library purposes shall be placed or taken in the name of the city of Menominee. **Title to property.**

SEC. 12. The council alone shall have power to procure and take by gift, grant, purchase or in any manner provided by law, on such terms and conditions as shall be prescribed, **Power to accept gifts, etc.**

real estate for library purposes, and may construct such buildings as it thinks proper therefor.

Power of
board to take
by gift, etc.

SEC. 13. The board of library trustees shall have power to procure and take by gift, or by purchase, within such restrictions as the council may by ordinance prescribe, library books, furniture, appliances, ornaments and other personal property appropriate for use or preservation in connection with the library and library property.

Establish
reading rooms.

SEC. 14. The board of trustees shall establish, in connection with the library, such reading room, or rooms, as it may think fit and proper, and regulate the use thereof.

Permit use of
by associa-
tions, etc.

SEC. 15. The board of trustees shall have power to permit the use of reading and assembly rooms by associations or clubs organized for literary or educational purposes, at such times and on such terms and subject to such restrictions as said board shall prescribe.

Expenditures,
how paid.

SEC. 16. Expenditures of the library moneys by said board of trustees shall be paid from the treasury on appropriate orders signed by the mayor and the city clerk, which orders shall only be issued after the allowance thereof by said board, and certification of such allowance by the secretary of said board to the city clerk.

Quorum.

SEC. 17. A majority of the board shall constitute a quorum, and by its rules said board may provide for stated and special meetings, and for the appointment of officers pro tem., and such other regulations as may to it seem proper for the management of library affairs.

Council have
power to pass
ordinances,
etc.

SEC. 18. The council shall have power to pass ordinances imposing suitable penalties for the punishment of persons inflicting injury upon library property or trespassing thereon, or for wilful injury to, or failure to return, any book belonging to the library, or for the violation of any rules and regulations governing the same.

This act is ordered to take immediate effect.

Approved February 15, 1905.

[No. 345.]

AN ACT to provide by direct vote in the county of Wayne for nominations at primary elections of candidates of political parties for election to public offices; and also for the election of party committees; to regulate and protect such primary elections, and to punish offenses committed thereat; to provide for counting and canvassing the votes cast thereat; to provide for the placing of candidates' names upon election ballots; and to repeal act number two hundred ninety-two of the local acts of nineteen hundred three.

The People of the State of Michigan enact:

SECTION 1. That the words "primary" and "primary election" shall be construed to mean an election as herein provided for, deciding by ballot who shall be the nominees of the respective political parties for the next ensuing election, and the members of the several party committees. The word "election" shall be construed to mean a general or local election as distinguished from a primary election. Certain words, how construed.

SEC. 2. Primary elections held within the county of Wayne for the purpose of selecting candidates of any political party for election at the regular election to any public office, the incumbent of which is required by law to be elected by electors residing within Wayne county, or of some subdivision thereof, and for the purpose of electing the members of the committees of any political party composed entirely of members elected by electors residing within Wayne county, shall be held at the time and place and manner in this act provided, and not otherwise: Provided, That the provisions of this act shall not apply to the nomination of township and village officers in any township or village when it has been so determined upon by a two-thirds vote of the respective village council or township board. In each ward in the city of Detroit, at the first fall primary held after this act takes effect, each political party shall elect by ballot, according to the provisions of this act, one member of the city committee and one member of the county committee, and members of ward committees now allowed by party usage, whose terms of office shall be two years from and after their election, or until their successors are elected in like manner, and outside of Detroit there shall be elected in the same manner the number of such committeemen now allowed by party usage. The candidates who receive the greatest number of votes on any party ballot for each of such offices at any primary shall be the nominees of such party for the ensuing election. Primaries, when and where held

SEC. 3. To obtain the printing of any candidate's name upon the ballots for any primary election, a petition therefore, signed by the candidate, which shall state the name of How candidate may cause name printed.

the candidate, his residence, street, house number and political party of which he is a member, and the office sought, shall be filed with the clerk of the city, village, township or county as herein provided. Such candidate shall at the time pay to the clerk a sum of money equal to one-half of one per cent of the salary and fees of the preceding year of such office, the amount thereof to be ascertained or estimated as nearly as may be by such clerk: Provided, The sum to be paid with any petition shall not be less than one nor more than fifty dollars: And provided, also, That candidates for election district offices, and for party committees, shall not be required to pay any fee. The printing of the name of any candidate upon the ballots for any primary election may also be obtained by the filing with such clerk, within the time herein provided for filing of petitions by candidates, nomination papers signed by a number of qualified electors residing in the county, city, ward, township or district in which the election is to be held, for the office named therein, equal to at least two per cent of the number of votes that such party cast therein at the last preceding presidential election, and by not less than one hundred such electors where the nomination is for a county, city, legislative, congressional or judicial office, and not less than fifty where the nomination is for a ward, village or township office, and not less than twenty for an election district office. The nomination papers of candidates of new or non-partisan parties shall be signed by electors equal in number to one per cent of the total vote cast in such district at said election.

Amount to be paid clerk.

Proviso.

Nomination papers.

Number of petitioners.

All nomination papers shall be substantially in the following form:

Form.

We, the undersigned, qualified electors of the election district of the city of or of the township of, in the county of Wayne and State of Michigan, and members of the party, hereby nominate who resides at No. street, city of or in the township of in the county of Wayne, as a candidate of the party for the office of, to be voted for at the primary election to be held on the day of as representing the principles of said party, and we further declare we intend to support the candidate herein named.

Signature
Residence
and (in cities) No.
Street
Date of signing.....

Electors to sign but one paper.

Each signer of said nomination papers shall sign but one such paper for the same office, except where there are two or more to be nominated and elected to the same office, when he may sign as many papers as there are persons to be elected

to such office. He shall therein declare that he intends to support the candidate named therein, adding his residence, with the street and number, if any, and the date of signing, and this paragraph shall be printed in full at the top of each nomination paper. The above mentioned clerks shall keep on hand printed forms for such primary petitions and nomination papers.

SEC. 4. Primary petitions of all candidates, and nomination papers of electors for any village, township, or city offices, and for party committeeships, shall be filed with the respective clerks thereof. Primary petitions of candidates, and nomination papers of electors for all other elective offices included in section two of this act, shall be filed with the clerk of the county. Each of said clerks shall receive petitions and nomination papers filed in accordance herewith up to four o'clock in the afternoon of the twenty-fifth day before the first day of a primary election, and shall forthwith prepare and publicly expose in his office a list of the candidates for offices, and for party committeeships, named in the petitions and nomination papers filed in his office, under the headings of party and office as near as may be as they will appear upon the primary ballots. All money accompanying any primary petition shall be received by the clerk with whom the petition is filed, who shall endorse upon the petition the amount received therewith and shall pay over the same to the treasurer of the county, city, village or township, to be placed to the credit of the fund from which the expenses of the printing of the official ballot are to be paid, and from such fund shall be paid the printing authorized in this act. Such clerks shall keep a public record of the petitions and nomination papers filed in a book, with columns in which shall be entered respectively the dates, the names of the candidates, the offices sought, and the amount of fees paid. And in case nomination papers are filed, instead of petitions, said book shall state the number of electors signing nomination papers for each candidate. The said clerks respectively shall forthwith, after the last day for filing and receiving primary petitions and nomination papers, certify to the proper board of election commissioners the names of all candidates mentioned in said petitions and nomination papers, together with the name of the party and the office stated: Provided, That at the primaries preceding the April election in the year nineteen hundred five such primary petitions of candidates and nomination papers of electors may be filed with the proper clerk up to four o'clock in the afternoon of the fifteenth day before the first day of said primary election.

SEC. 5. The county board of election commissioners shall cause to be printed upon the ballots for any primary preceding any election, the names of all candidates for county and district offices within the county limits, including the judges of the circuit court, in whose behalf the requirements of this

Declaration.

Petitions,
where filed.Clerk to file,
and prepare
list of
candidates.Clerk to pay
over money to
treasurer.

How used.

Clerk shall
keep public
record of
petitions.To certify
names to com-
missioners.

Proviso.

Who to cause
printing of
ballots, etc.

Number of ballots.	<p>act shall have been fulfilled, and no others. The respective boards of election commissioners of each city, village and township, shall likewise perform such duty for local primary ballots within the jurisdiction of such boards, including, in the city of Detroit, the names of candidates for recorder and judge of the recorder's court, and for committeeships. The number of ballots to be printed for the use of each party at a primary election, in any election district, shall be fifty per cent more than the total number of votes cast therein at the last presidential election by such party. The basis of percentage in each case shall be the vote of the party for its presidential elector receiving the largest vote at the last preceding presidential election. Proof copies of the primary ballots shall be on file at the proper clerk's office, for inspection by candidates, at least three days before the primary. It shall also be the duty of said county and city boards of election commissioners to cause to be printed pamphlet copies of this act, and to furnish at least two copies to each board of election inspectors at the same time the other supplies are furnished. And said board of election commissioners shall also cause to be printed and distributed a sufficient number of primary ballots for the use of women voters, upon which ballot shall be printed the names of those candidates to be nominated at such primaries for whom women are by law allowed to vote upon election day. No women shall be allowed to vote upon any other ballot. Separate ballot boxes shall be provided for the votes of women.</p>
Proof copy, where filed.	
Who to print copies of act.	
Ballots for women voters.	
Ballots, how and by whom printed.	<p>SEC. 6. The ballots for primary election shall be printed by the respective boards of election commissioners as follows:</p> <p>At the top of the ballot shall be printed in large type the words, "OFFICIAL PRIMARY BALLOT." Underneath shall be printed the date of the election at which the ballot is to be used, followed, when proper, by the designation of political subdivision, as county, city, etc. Then shall follow, in bold-faced type, the name of the political party, the candidates of which are printed on the ticket. Underneath that shall appear these instructions:</p>
To be numbered.	<p>"Make a cross in the square to the left of as many names for each office as is indicated under the title of such office." The ballots for each election district shall be numbered consecutively, as provided for the numbering of ballots by the general election law. All names of candidates of each political party shall be printed on a separate ballot, and said ballot shall be in one or more columns, as may be determined by the election commissioners in making up the same. The order of the offices on the ballot shall be the same as is required by law in making up the ballot for an election. The title of the office shall be immediately above the names of the candidate or candidates for such office, and under such title the words "Vote for" followed by the word "one," "two" or a word designating the number of persons under that head</p>
Title, where printed.	

to be voted for. The names of the different candidates shall be separated from each other by a light-faced rule, with a square at the left of the name, and the spaces devoted to the several offices shall be separated by a black-faced rule to separate each position clearly. If two or more columns are used on a ballot, the columns shall be separated by a black line one-sixth of an inch wide. The names of candidates under, heading designating each official position excepting for district offices and party committees, shall be alternating on the ballots of each party casting at least five per cent of the vote cast in the county, city or political subdivision at the preceding presidential election, and printed in the following manner:

First, the forms shall be set up with the names of such candidates arranged alphabetically, in order according to surnames. In printing each set of tickets for the several election districts, the positions of the names shall be changed in each office division, excepting for district offices and party committees, as many times as there are candidates in the office division in which there are the most names. As nearly as possible an equal number of tickets shall be printed after each change. In making the changes of position, the printers shall take the line of type at the head of each office division and place it at the bottom of the division, and shove up the column so that the name that was second before shall be first after the change. After the ballots are printed, and before being trimmed, they shall be kept in separate piles, one pile for each change of position, and shall then be piled by taking one from each pile and placing it upon the pile to be trimmed; the intention being that every other ballot in such pile shall have the names in a different position. After the pile is made in this manner, the ballots shall be numbered consecutively on the upper right-hand corner, upon the front of the ballot, with a perforated line across said corner, underneath the said number, so that the corner with the number can be torn off. After that, the ballots shall be trimmed, and done up in sealed packages and distributed for use at the primary election, the same as is required by law for the distribution of ballots at the general election. The ballots shall be in the form provided herein, and annexed hereto, as nearly as possible. Such ballots shall be printed in black ink on white paper of uniform quality.

Position of
candidates
names.

Manner of
printing
ballots.

Kept in
separate piles
and numbered.

How
distributed.

No.

OFFICIAL PRIMARY BALLOT

Form of.

Primary Election

..... Party.

Make a cross in the square [x] in front of as many names for each office as is indicated under the title of such office.

CONGRESSIONAL.	COUNTY.
Representative in Congress, . . . District. Vote for One.	Judge of Probate. Vote for One.
<input type="checkbox"/> JOHN DOE	<input type="checkbox"/> JOHN DOE
<input type="checkbox"/> RICHARD ROE	<input type="checkbox"/> RICHARD ROE
<input type="checkbox"/> JOHN SMITH	<input type="checkbox"/> JOHN SMITH
State Senator, District. Vote for One.	Sheriff. Vote for One.
<input type="checkbox"/> JOHN DOE	<input type="checkbox"/> JOHN DOE
<input type="checkbox"/> RICHARD ROE	<input type="checkbox"/> RICHARD ROE
<input type="checkbox"/> JOHN SMITH	<input type="checkbox"/> JOHN SMITH
<input type="checkbox"/> WILLIAM BROWN	<input type="checkbox"/> WILLIAM BROWN
Representatives in State Legislature, Vote for Three. District.	Circuit Court Commissioners. Vote for Two.
<input type="checkbox"/> JOHN DOE	<input type="checkbox"/> JOHN DOE
<input type="checkbox"/> RICHARD ROE	<input type="checkbox"/> RICHARD ROE
<input type="checkbox"/> JOHN SMITH	<input type="checkbox"/> JOHN SMITH
<input type="checkbox"/> WILLIAM BROWN	<input type="checkbox"/> WILLIAM BROWN
<input type="checkbox"/> CHARLES WHITE	<input type="checkbox"/> CHARLES WHITE
<input type="checkbox"/> JAMES BLACK	<input type="checkbox"/> JAMES BLACK

Primaries,
when held.

SEC. 7. All primary elections shall be held by election districts or precincts. The primaries preceding the April election shall be held on the first Monday of March, and the primary preceding the November election shall be held on the third Monday in September, and the Tuesday and Wednesday following in the year in which a presidential election is held, and on other years on said third Monday of September and the Tuesday following; and the polls thereof

shall be kept open from eight o'clock a. m., until eight thirty o'clock p. m. (standard time) each day and no longer: Provided, That in townships, villages and cities in said county other than the city of Detroit, the said primaries shall be held on the last day hereinabove fixed for primary elections. No person shall be permitted to vote at a primary election in any election district or precinct until he has been legally registered therein: Provided, That in any election district in the city of Detroit at any primary which may be held prior to a regular registration day preceding the succeeding election, any elector not registered therein may vote upon taking oath that he is a duly qualified elector of said election district: Provided, also, That in any election district outside of the city of Detroit, any elector not registered therein may vote upon making oath that he is a duly qualified elector of said election district. Such primary election shall be presided over and conducted by the same persons and officials as is by law provided for the conduct of general elections.

Proviso as to townships, villages, etc.

Proviso as to registration in Detroit city.

Proviso as to outside districts.

SEC. 8. Special primary elections shall, when necessary, be held prior to any special election, and shall in such cases be held on the day set for registration prior to such special election, and as near as may be in all matters pertaining thereto shall be held in conformity with this act.

Special primaries, when held.

SEC. 9. All officers required by law to give notice of registration shall also give notice that a primary election will be held, and shall state the dates, the place where it will be held, and the time the polls shall be open, and the purposes for which such primary will be held.

Notice of primaries.

SEC. 10. Primary elections shall, except as herein otherwise provided, be conducted and regulated as near as may be as prescribed by law for the regulation and conduct of April and November elections. All officers required by law to perform any duty, or to provide places, ballot boxes and equipment and supplies for general elections, are likewise to do and provide for primary elections with the like power and compensation. All expenses of primaries shall be defrayed from the same fund from which are defrayed like expenses of election.

How conducted.

How expenses defrayed.

SEC. 11. After the polls are opened at a primary election any elector, who is legally qualified and registered as hereinbefore provided, shall before entering the booth be given a ballot of but one political party. It shall be incumbent upon him to state to the inspector of election, having in charge the giving of ballots to electors, the party ballot he desires, which, if his right to vote that ballot is not challenged, he shall be entitled to receive forthwith. It shall be competent for any elector or inspector of primary election present to challenge the right of any one offering to vote, on the ground that he is not a legal voter in that district, or that he belongs to a political party other than that

Elector given but one ballot.

Right to challenge.

Party challenged to make oath. whose ballot he has asked for. When the right of any voter to a ballot is challenged, he shall be required to make oath that he will be entitled to vote in that precinct at the next ensuing election, and that he is in sympathy with the political party whose ballot he has asked for. Such oath shall be in the following form:

Form of oath. You do hereby solemnly swear that you are a resident and qualified voter in the township of or election district or district or ward of the city of; that you are in sympathy with the principles of the party and expect to vote the ticket of that party at the next ensuing election.

How elector shall prepare ballot. When the challenged voter has taken said oath, he shall then receive the ballot asked for, and be entitled to vote, the same as if his vote had not been challenged. The elector, after having received his ballot, shall enter a booth, and while there concealed from view prepare such ballot by making a cross in the square at the left of such names as he may desire to vote for, but in no case for more candidates for any office than is indicated under the title of such office.

May substitute name of candidate. He may, however, vote for any candidate whose name is not printed on the ballot by so writing in such other name as shall make it a substitute for any name which is printed thereon, or when no candidate's name appears upon the ballot.

How ballot folded. He shall then fold the ballot so that the ballot number shall be on the outside, and present it to the proper inspector, who shall tear off the number and deposit the ballot in the ballot box.

Inspector shall enter name, and number of ballot on poll list. The inspector shall enter upon the poll list the name of each elector, and the number of his ballot, before the same is given to him, and the inspector receiving the ballot shall, before depositing it in the box, ascertain by comparison with the poll list whether it is the same ballot given him, and if it is not the same ballot he shall reject it and such elector shall not be allowed to vote at such primary.

Elector not to expose ballot. If any elector shall, after marking his ballot, so expose it to any person as to reveal the name of any person voted for thereon, such ballot shall be rejected and such voter shall forfeit the right to vote at such primary, and a brief minute of such occurrence shall be made in the registration book and upon the poll list.

Challengers. Challengers and witnesses appointed by the several political parties shall be allowed to be present with the same powers as are provided by law for the April and November elections.

Ballot boxes to be locked and sealed. SEC. 12. The primary inspectors, upon the opening of the polls of the primary, shall lock the covers of the ballot boxes, which shall not be unlocked or opened until the close of the primary, or until the same are delivered to the proper board for counting the ballots therein, as hereinafter provided. Each time when the polls are closed after adjournment, every night, the ballot boxes shall be locked and

sealed and the boxes containing the unused ballots shall be sealed by the inspectors, and said boxes shall be guarded as directed by law for the safe keeping of ballot boxes at regular elections, during any recess or pending the counting of the ballots, and shall be returned to the election inspectors the next morning in case the next day is a primary election day.

Sec. 13. After the closing of the polls on the last day of holding any primary, the ballots shall be counted as provided by law for the counting of the ballots at any regular election, except in the city of Detroit, where the ballots shall be counted as hereinafter provided. When ballots to be counted.

In counting such ballots, those candidates who have a cross made in the square at the left of their names shall be deemed to have been voted for, but any ballot upon which more candidates for any office have been voted for than may, by law, be elected to such office shall be rejected as to that office. How counted.

After the votes in any primary election in any district shall have been counted, the officials counting the same shall publicly declare the result, and forthwith make and certify written detailed statements, as are required by law for April and November elections, except as hereinafter provided, of the whole number of votes cast in such district for each candidate for each of said offices or positions provided for in section two of this act, on each party ballot, and shall certify, subscribe and seal in a separate envelope such statements and one of the tally sheets, and write thereon the name and number of the election district, and deliver such statements and tally sheets to such persons and at such times as are required by law for April and November elections, and as soon as they have completed the counting of the votes of their precincts they shall return all the ballots voted to the ballot boxes, which shall be locked and sealed, and the same, and all books, unused ballots, supplies and lists shall be safeguarded and returned, as is prescribed for so doing at the close of general elections. Officials shall declare and certify results, same as at elections.

The ballots in the ballot boxes shall be preserved until after the respective boards of canvassers shall have made up their respective tickets.

Sec. 14. Upon the close of the polls on the last day for the holding of any primary in the city of Detroit, the ballot boxes shall be locked and sealed, and, with the unused ballots and the poll book, delivered to the police department. Ballot box, etc., where delivered.

The registration books and keys to the ballot boxes shall be returned to the city clerk, as is provided by law in the case of general elections. The said police department, to whom the boxes containing the ballots cast have been delivered, shall forthwith convey them to some safe and convenient place or places which shall be provided by the central counting board, hereinafter provided for, and shall by them be safely guarded until the ballots therein have been counted and returned to the boxes, as herein pro- Police department shall guard boxes.

Counting board, who to constitute. vided, and the said police department shall continually guard said boxes until the count is completed. The board of county canvassers, together with the board of city canvassers, and the corporation council [counsel], and the controller of the city of Detroit, shall constitute a central counting board for the purpose of counting all votes cast in the city of Detroit at each primary election for the offices included in section two of this act. In case said corporation council [counsel] is unable to act, one of his assistants shall be designated by him to act in his place. In case said controller is unable to act, the deputy controller shall act in his place. In case any member of either of said boards of canvassers is a candidate on the ticket at such primary, he shall be disqualified from acting in the count and canvass of the votes of that primary, and if a vacancy occur, either by reason of such disqualification, or by reason of physical incapacity, then the remaining member or members of said board of city canvassers, together with the controller or deputy controller, and the corporation counsel, or his assistant, shall forthwith fill such vacancy by the selection of some elector of the city of Detroit to act as a member of said central counting board. The city clerk of the city of Detroit, or in his absence, the deputy city clerk of the city of Detroit, shall act as secretary of the said central counting board.

How vacancy filled. Such central counting board shall meet at the office of the city clerk of Detroit on the seventh day before the first day of any primary election, at two o'clock in the afternoon, and forthwith organize by electing one of their number chairman; and shall then proceed to appoint from the members of the registration and election boards of the city of Detroit, and from the qualified electors of said city, a sufficient number of persons, not to exceed three hundred, whom they deem to be qualified to perform the duties of clerks of said board:

City clerk shall act as secretary. When organized. Appoint clerks. Provided, That at least one of said clerks be taken and appointed from each election district of the city of Detroit.

When ballots counted. Such clerks shall proceed at nine o'clock in the evening after the close of the primary to count the ballots cast in the city of Detroit for candidates for nomination for all offices voted for by the electors thereof under the direction of the said central counting board. Said central counting board may at any time dispense with the services of any persons so appointed and appoint others, and the said board shall decide upon the legality of any ballot which is called in question. Each of the members of the said central counting board, and each of the said clerks, shall, before entering upon his duties, take the constitutional oath of office.

Board shall decide legality of ballots. SEC. 15. Such members of said central counting board as are not salaried officials of the city of Detroit, or of the county of Wayne, and the clerks appointed by said board as herein provided, shall each receive from the city of Detroit compensation for his services at the rate of four dollars per

Compensation of members and clerks.

day of eight hours, but in no case a greater sum then eight dollars, which compensation shall be paid by the city treasurer of the city of Detroit upon a certificate of the said board signed by its chairman and secretary, but in no case shall such certificate be issued to any clerk until he shall have completed his services to the satisfaction of said board.

SEC. 16. The said central counting board shall, immediately upon completing the count, turn over to each of the respective canvassing boards one of the tally sheets containing the count of the ballots in each election district, and shall put the other tally sheet in the box with the ballots.

Disposition
of tally
sheets.

SEC. 17. The board of canvassers of the city of Detroit shall, immediately after receiving the tally sheets from the said central counting board, convene at the office of the city clerk and proceed to canvass the returns of the several election districts, from the tally sheets hereinbefore provided, and shall forthwith truly determine and make public the names of the nominees of each party for the several offices voted for, which nominees shall be such as shall have received the largest number of votes cast, as set forth in such returns, for such offices, or determined by said board of canvassers, on a recount by it of the ballots cast, as hereinafter provided, and shall forthwith certify such determination to the city election commission. Said board of canvassers shall then deliver said tally sheets to the city clerk of the city of Detroit.

Canvass^{of}
votes by city
board.

Who to be
nominees.

SEC. 18. Immediately after receiving said tally sheets from said central counting board, the county board of canvassers shall convene at the county clerk's office and canvass the returns received from the several election districts outside of Detroit, and the returns received of the votes cast in the city of Detroit, as shown by the tally sheets, as hereinbefore stated, and thereby forthwith declare and make public the names of the nominees of each political party for the several offices voted for within such county, which nominees shall be such as shall have received the largest number of votes cast, as set forth in such returns for such offices, or determined by said county board of canvassers on a recount by them of said ballots, as hereinafter provided, and they shall forthwith certify such determination to the county election commission. Said board of canvassers shall then deliver the returns and tally sheets to the county clerk.

By county
board.

Who to be
nominees.

SEC. 19. Any candidate voted for at any primary election provided in this act, who conceives himself aggrieved on account of any fraud or mistake in the count by the inspectors of election, or the said central counting board, of the votes cast, or the returns made by them, may, on or before the close of the last day upon which the board of canvassers meet, present to and file with the chairman of such board, a written petition, which shall be sworn to, setting forth, as near as may be, the nature of the mistakes or frauds

Petition for
recount, when
filed

What to set
forth.

Amount of deposit.	complained of, and the township, ward or district in which they occurred, and asking for a recount of the votes cast therein. He shall, at the same time, deposit with said chairman, the sum of ten dollars for each and every township, ward or election district, the vote of which he asks to have
Proviso.	recounted by such board: Provided, That no candidate shall be required to deposit more than one hundred dollars, and, if the office is a ward office, not more than fifty dollars. Upon filing the petition and making the deposit required in the preceding paragraph, and giving at least twelve hours written notice thereof to the opposing candidate, by handing to such candidate a copy thereof, or, if such candidate cannot be found, by leaving such copy at his last place of residence, it shall be the duty of said board of canvassers to investigate the facts set forth in said petition. For such purpose the said board shall cause the ballot boxes used in such election districts to be brought before them. The board shall thereupon, in some public place where such candidates and their counsel may be present, if they so desire, proceed forthwith to open the ballot boxes from such districts, townships or wards, and to make a recount thereof as to such candidates, and make correct and full return, in writing, under their hands, to said board, showing the full number of votes given, the names of the candidates and the number of votes given to each, written out in words and figures. As soon as the recount is completed, said board shall, at once, return the ballots to their respective boxes, carefully lock and seal the same, and deliver them to the officer having the care and custody thereof. The returns made by said board of canvassers upon such recount shall be deemed to be correct, anything in the previous return from such township, ward or district, to the contrary notwithstanding. In all cases, where, by reason of such recount, the petitioner succeeds in establishing fraud or mistake, as set forth in his petition, and receives a certificate of nomination, the money deposited by him shall be refunded; otherwise it shall be turned into the treasury of the county, city, township or village. If two or more candidates of the same political party are tied for the same office, the tie shall be determined by lot to be cast then and there by and as the canvassing board may direct.
Procedure of recount.	
Returns of recount, deemed correct.	
Disposition of deposit.	
Tie, determined by lot.	
What names to be printed on election ballots.	Sec. 20. The several boards of election commissioners shall cause to be printed upon the ballots to be used at elections for offices included in section two of this act the names of the candidates for such offices, selected under the provisions of this act, and no others: Provided, That any political party may make nominations for such offices, by mass convention, attended by at least five per cent of the total vote cast by said party at the last preceding presidential election in the election districts such offices are to be voted for, which vote shall be determined by the highest vote cast for presidential elector of said party therein. And in like manner any newly organized party may make nominations
Proviso.	
Newly organized party.	

for such offices by mass convention, attended by at least one-fifth of one per cent of the total vote cast at the last preceding presidential election in the election districts such offices are to be voted for, and the chairman and secretary of said mass convention shall certify such nominations, together with a statement of the number of persons in attendance at such convention, under oath, to the chairman of the proper election commission board. Such certificate or affidavit shall be filed with the said election commissions at least fifteen days before election: Provided, That when any candidate shall die, or shall withdraw as such candidate before the printing of the ballots, after having been nominated as herein provided, then the proper board of election commissioners shall cause to be printed or placed upon such ballot, in the place of such candidate, the name of the candidate who shall be selected by the proper party committee upon the certificate of its chairman and secretary, as is provided for general elections by section thirty-six hundred twenty-six of the compiled laws of eighteen hundred ninety-seven.

Nominations,
how certified.

When filed.

Proviso, in
case of death
of candidate.

SEC. 21. Any person who shall, while the polls are open at any polling place on any primary day, solicit votes in the said polling place, or within one hundred feet thereof; any person who shall offer or give to any other person any intoxicating liquors, or drink any intoxicating liquors within any such polling place; any person who shall solicit or receive, directly or indirectly, any money or any promise of place or position, or any valuable consideration for his vote or support at any such primary election; any person who shall offer any voter any money or reward of any kind, or who shall promise any place or position for the purpose of securing such votes or vote, or support, at any such primary election; any person who shall violate any of the requirements or provisions of this act; any person who shall refuse or neglect to perform any duty enjoined upon him thereby; any person who shall vote or attempt to vote more than once, or in more than one election district, at the same primary election, shall be guilty of a misdemeanor. When by this act any act or duty is required to be done or performed by or under the direction, supervision or authority of any officer, and such act or duty shall not be done or performed, then the officer who shall neglect to perform such act or duty, or shall suffer or permit the omission to perform such act or duty, require or authorize the omission or non-performance of such act or duty, shall be guilty of a misdemeanor, and shall be punished as herein provided. Any person who shall be convicted of any of the acts or omissions which are by this act declared to be misdemeanors, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

Misdemeanors,
what acts, etc.,
considered.

Penalty.

SEC. 22. It shall be the duty of the county clerk of said county to cause to be posted in conspicuous places, in and

Notices, by
whom posted.

Register, etc.,
to be delivered
to inspectors.

Clerks shall
furnish regis-
tration blanks,
etc.

Election lists,
what to con-
tain

upon all places in said county, outside the city of Detroit, where primary elections are held for the nomination of county officers, so that the same can be plainly seen and read by all persons at such primary elections, large posters containing the whole verbatim of the preceding section of this act, and the city clerk shall perform the same duty in the city of Detroit. It shall be the duty of the clerk of any city, township or village in which this act is operative, to deliver to the board of primary election inspectors of each election district within his jurisdiction, before the time for opening of the polls on the first day of such primary, the register of electors and the election list of electors used at the last preceding election held therein; also blanks for poll lists and returns and any other supplies necessary to carry out the provisions of this act. It shall also be the duty of said clerks of such board or other person or persons as are by law required to furnish blank registration books for use by the various registration boards in the various election districts in said county, to furnish the same in time for use at such primary, and to provide that the said books, known as the election list of electors, shall contain, in addition to what is required by law at the time of the passage of this act, at least two columns to be used exclusively for recording of the votes cast at primary elections under the provisions of this act, each of which columns shall have printed headings as follows:

“Voted at Fall Primary, 19——.”

“Voted at Spring Primary, 19——.”

Who to
appoint clerks.

SEC. 23. The common council of cities and villages and the township boards of townships may provide for the appointment by said board of primary election inspectors, of two clerks to assist them in carrying on such primary elections and the compensation of such clerks shall be the same as that of inspectors.

Act
repealed.

SEC. 24. Act number two hundred ninety-two of the local acts of nineteen hundred three, entitled “An act to provide by a direct vote, in the county of Wayne, for nomination at primary elections of candidates of political parties for election to public offices, and to regulate and protect such primary elections, and to punish offenses committed thereat, and also for the election of party committees and delegates to political conventions, and to repeal act number four hundred eleven of the local acts of eighteen hundred ninety-five, approved May sixteen, eighteen hundred ninety-five,” is hereby repealed.

This act is ordered to take immediate effect.

Approved February 15, 1905.

[No. 346.]

AN ACT to amend section one of act number three hundred seventy-one of the local acts of Michigan for the year nineteen hundred three, entitled "An act to provide for the election of county drain commissioners in the counties of Eaton and Van Buren."

The People of the State of Michigan enact:

SECTION 1. Section one of act number three hundred seventy-one of the local acts of nineteen hundred three, entitled "An act to provide for the election of county drain commissioners in the counties of Eaton and Van Buren," is hereby amended so as to read as follows:

SECTION 1. At the regular biennial election to be held on the Tuesday succeeding the first Monday in November, nineteen hundred four, and each two years thereafter, there shall be chosen in the counties of Eaton and Van Buren, by the qualified electors thereof, on the same ticket as the other county officers, a county drain commissioner, whose term of office shall begin on the first day of January following his election, and continue for two years. Before entering on the duties of his office, each of said duly elected drain commissioners shall take and file with the county clerk a constitutional oath of office, and shall also file a bond in the penal sum of ten thousand dollars, conditioned on the faithful discharge of the duties of his office, which bond, before filing, shall have been approved by the board of supervisors. He may, in his discretion, after the taking effect of this amendatory act, appoint a deputy drain commissioner, who, in the event of the inability or disqualification of the drain commissioner to perform the duties of the office, and only in case of inability or disqualification, shall be empowered to act in each and every capacity of said drain commissioner and for such services receive the same per diem compensation as the drain commissioner himself: Provided, That the per diem compensation of the drain commissioner himself shall cease during the time said deputy shall so act. Said deputy shall give a bond to, and be approved by, the drain commissioner in the sum of two thousand dollars. It shall be the duty of the county clerk to make report to the Secretary of State of the election and qualification of a county drain commissioner, as a part of his report of the election and qualification of the county officers. In case of a vacancy in the office of county drain commissioner, caused either by resignation, removal from the county or death, it shall be the duty of the judge of probate for the county where

Section amended.

Drain commissioner; when elected.

Term of office.

Shall file bond.

May appoint deputy.

Proviso.

Deputy to give bond.

Duty of county clerk.

Probate judge to fill vacancy.

such vacancy occurs to fill the vacancy by appointment under his hand and seal.

This act is ordered to take immediate effect.

Approved February 15, 1905.

[No. 347.]

AN ACT to amend sections three, four, seven, nine, eleven, sixteen, eighteen, twenty and twenty-one of act number five hundred five of the local acts of nineteen hundred three, entitled "An act to create a board of jury commissioners consisting of five persons for courts of record in the county of Kent," approved June four, nineteen hundred three.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Sections three, four, seven, nine, eleven, sixteen, eighteen, twenty and twenty-one of act number five hundred five of the local acts of nineteen hundred three, entitled "An act to create a board of jury commissioners consisting of five persons for courts of record in the county of Kent," approved June four, nineteen hundred three, are hereby amended so as to read as follows:

Commissioners
shall make
lists.

SEC. 3. Each of said commissioners shall make a list of names of the number of qualified persons apportioned to his district, as aforesaid, to serve as petit jurors for the ensuing year for each of the courts of record in Kent county, for which jurors are required by law to be summoned. Said lists, as soon as they are made, and prior to the third Monday in January, shall be filed with the county clerk, but not as public records.

Meeting of
board.

SEC. 4. The board of jury commissioners shall meet at the office of the sheriff on the fourth Monday in January each year, at ten o'clock in the forenoon, and shall proceed to examine the lists of persons returned by each of the said commissioners, as aforesaid; and if, in the judgment of said board, the persons whose names were so returned are suitable persons, having the qualifications of jurors and not exempt from service as such, said board shall make therefrom a complete list of persons for each of the courts for which lists of jurors are required to be returned, which list shall be recorded at length in the records of said board, and a copy thereof shall be made, certified to be a true list of jurors made by said board, for the court, naming it, for which it is made for the then ensuing year, which certificate shall be subscribed by said commissioners, or a majority of them, and shall be filed in the office of the clerk of the court for

Lists, how
certified.

which said list shall be made: Provided, That the completed list, when so made and filed with the clerk, as aforesaid, and the record thereof, to be made in the records of said board as herein provided, shall not be public records, whereby the names so selected may become known to any person or persons other than the members of said board and the clerk of the court, who may require the same in the performance of their respective duties, as hereinafter further provided. If, in the judgment of said board, any of the persons whose names are contained in the lists returned by said commissioners respectively, as provided in section three of this act, are not suitable to serve as jurors, or, if they are exempt, or not qualified, such names shall be omitted from the completed list required by this section to be made by said board, and, in place of the names so omitted, said board shall select from the ward or township, from which such name or names shall be omitted, and include in said completed list made by the board, names of suitable and eligible persons, sufficient in number to complete said list; and if any of said commissioners shall neglect to return the list of names as aforesaid, for his district, as aforesaid, said board shall select and return, in the lists to be made by them, names of suitable and eligible persons sufficient to complete the same. Such lists shall state the township and ward in which the persons returned respectively are residents, and, if they reside in the city of Grand Rapids, shall state the place of residence by reference to street and house number. No commissioner shall return or include in said list or lists his own name, or the name of any other member of said board.

Proviso.

Names omitted.

When board to select names.

What lists shall state.

SEC. 7. The clerk of the court, on receiving said list, shall file it in his office, but not as a public record, and shall forthwith write the names of the persons thus selected on separate slips of paper, of the same size and appearance as nearly as may be; shall fold up each of said slips of paper in the same manner, so as to conceal the name thereon; and shall place the names returned from each township or ward in a separate envelope; and shall mark on such envelope the name of the township or number of the ward; shall seal such envelopes and deposit and preserve the same in a box to be called and labeled "jury box;" and the persons whose names are thus returned and deposited in said jury box shall be liable to serve as jurors for one year, and until another list shall be selected, returned, and filed with said clerk and the names thereon deposited in said jury box in the manner aforesaid. Immediately upon the depositing of the names so returned in the jury box, the clerk shall seal up all such lists of jurors and shall seal said jury box; and said lists shall remain sealed, unless otherwise ordered on cause shown by the presiding judge of the court for which said lists are filed; and said jury box shall not be opened

Clerk of court to prepare slips.

Lists sealed.

until ordered by the presiding judge of the court for the purpose of drawing jurors as hereinafter provided.

When jury drawn.

SEC. 9. At least fourteen days before any term of said court, at which jury trials may be had, the jury commissioners shall draw from the jury box the names of as many persons as the said court may order, and the court in such order shall designate the number of names to be drawn from each township and ward, distributing the same equally as near as may be between the several townships and wards. Said order shall direct the drawing of not less than twenty-four, to serve as petit jurors in said court; but, before such drawing, said commissioners shall give two days' notice to the presiding judge and clerk of said court and to the sheriff, of the time when such drawing shall take place.

Notice.

When to proceed with drawing

SEC. 11. If, at the time first appointed for said drawing, or at the adjourned time therefor, either said presiding judge, clerk, sheriff or deputy sheriff, shall be present, the commissioners shall proceed in such drawing as follows: They shall direct the secretary of said commission to open the envelopes containing the names returned from each township or ward in succession and place such names in the jury box, and shake the jury box so as to fairly mix the slips of paper deposited therein; he shall then draw from such box publicly, in the presence of the officer or officers attending, as many slips of paper containing the names of jurors written thereon, as may have been ordered by said court; and one of the attending officers shall keep a minute of such drawing, in which he shall enter the name on every slip of paper drawn, before any other such slip is drawn; the drawing for each ward and township to be separate and the slips for no township or ward to be mingled with those for any other township or ward. After such number, as may have been ordered by the court, shall have been drawn from any township or ward, the slips not drawn shall be returned to the proper envelope; and the slips for the remaining townships or wards shall be put in the box successively and drawn, as before provided, until the entire number of names ordered by the court has been drawn. If, after drawing the whole number required, the name of any person shall appear to have been drawn, who is insane, or dead, or has removed from the jurisdiction of the court, or is otherwise incompetent, to the knowledge of said commissioners or any attending officer, an entry of such fact shall be made on the minute of the drawing; the slip of paper containing his name shall be destroyed and another name shall then be drawn in the place of the one destroyed, from the same township or ward, and entered on the minute of the drawing; and like proceedings shall be had, as often as necessary, until the whole number of jurors shall be drawn. After the whole number of jurors required are drawn, the names shall again be returned to envelopes, as provided in section seven of this act.

Manner of drawing names.

May destroy certain slips.

SEC. 16. Whenever for any cause petit jurors shall not have been drawn or summoned to attend any term of said court, or a sufficient number of qualified jurors shall fail to appear, said court may, in its discretion, order a sufficient number of petit jurors to be forthwith drawn, in open court, by the clerk thereof, from said jury box, in the manner prescribed by section eleven of this act, and summoned to attend such court. When jury drawn in open court.

SEC. 18. When there shall not be jurors enough present to form a panel in any case, said courts may direct talesmen to be drawn and summoned as in the last two preceding sections; and said courts may designate from what townships or wards said jurors shall be drawn: Provided, That jurors drawn from the city of Grand Rapids shall be distributed equally, as near as may be, between all the several wards of said city; or said court, in its discretion, may order a sufficient number of persons having the qualifications of jurors to be summoned from the bystanders or neighboring citizens, and the officers of the court shall immediately summon the number so ordered and return their names to the court. When talesmen to be drawn. Proviso.

SEC. 20. Any person who shall request said commissioners, or any of them, to be selected or returned as a juror, or who shall request that any other person be so selected and returned, and any commissioner who shall cause any person to be selected and returned who shall have made any request, or in whose behalf any such request shall have been made, and any commissioner or any other person who shall make known to any other person any name selected and returned on any jury list, or recorded as herein provided, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail, not more than one month, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment. Who guilty of misdemeanor. Penalty.

SEC. 21. Whenever special juries are provided by law, such juries shall not be drawn under this act, but under the law providing therefor; and such service shall not debar them from serving as jurors under this act. Special juries.

This act is ordered to take immediate effect.

Approved February 15, 1905.

[No. 348.]

AN ACT authorizing the township of Hersey, in the county of Osceola, to issue bonds to the amount of not more than six thousand dollars, for the payment for the construction of a new bridge over the Muskegon river, on section nineteen in said township, and to provide for the manner of issuing and paying the same.

The People of the State of Michigan enact:

Township
authorized to
issue bonds.

For what
purpose.

Question of
bond issue to
be submitted
to electors.

Township
board to
submit
question.

Form of
ballot.

Manner of
conducting
election.

SECTION 1. The township of Hersey, in the county of Osceola, is hereby authorized and empowered to issue bonds upon the faith and credit of such township, to an amount not exceeding six thousand dollars, and to use or negotiate the same for the purpose of raising money to pay for the construction of a new bridge over the Muskegon river, on section nineteen in said township, upon the conditions, under the circumstances and in the manner hereinafter provided.

SEC. 2. No such bonds shall be issued unless a majority of the qualified electors of said township, voting at a township meeting, a general election or a special election duly called to be held at a time to be fixed by the township board of said township, not more than sixty days after such board shall have decided to call said election, which shall be held at the same place as the last preceding township election was held, and conducted in the manner hereinafter provided, shall so determine; and the said township board is hereby authorized and empowered to submit the question of said bonding to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written or printed notices, to be posted in five public places in said township, at least ten days before the time fixed for such election, which notice shall state the amount of money proposed to be raised by such bonding, and the purposes to which it shall be applied.

SEC. 3. The vote upon such proposition shall be by a printed ballot in the following words, with the amount of the bonds to be issued inserted: "For issuing township bonds not exceeding six thousand dollars for the purpose of constructing a new bridge over the Muskegon river, on section nineteen, for a time not exceeding ten years and at a rate of interest not exceeding six per cent—Yes." "For issuing township bonds not exceeding six thousand dollars for the purpose of constructing a new bridge over the Muskegon river on section nineteen, for a time not exceeding ten years and at a rate of interest not exceeding six per cent—No." Such election shall be conducted, and the vote thereat canvassed, in all respects as in other township elections, and

immediately upon the conclusion of such canvass the inspectors of election shall make and sign a certificate, showing the whole number of votes cast upon such proposition, and the number for and against it. Said inspectors shall endorse upon such certificate a declaration, in writing, of the result of such election, which certificate and declaration shall then be filed with the clerk of said township, and a copy thereof certified to by said township clerk shall be filed in the office of the clerk of Osceola county.

Certificate of election, where filed.

SEC. 4. In case said proposition to so issue the bonds of said township shall be defeated at any such election, the said township is hereby authorized to hold other elections, under and by virtue of this act, for the purpose above mentioned.

Township to hold other elections.

SEC. 5. If such issue of bonds shall be authorized by a vote of the electors of said township, such bonds may be issued in such sums not exceeding the amount hereby authorized, payable at such times and place, not exceeding ten years from the date of such bonds, and with such rate of interest, not exceeding six per cent per annum, as such township board shall direct by resolution. Said bonds shall be signed by the township board and countersigned by the township treasurer and negotiated by and under the direction of said board, and the moneys arising therefrom shall be used in paying for the construction of said bridge before mentioned.

Amount of bonds.

Who to sign bonds.

SEC. 6. It shall be the duty of the said township board to provide for the raising by tax, upon taxable property of such township, in addition to all other township taxes, such sums of money annually, as shall be sufficient to pay the amount of such bonds and the interest thereon, as fast as the same shall become due.

Township board to provide for tax levy.

SEC. 7. No bonds issued under and by virtue of this act shall be negotiated at less than their par value.

Value of bonds.

This act is ordered to take immediate effect.

Approved February 17, 1905.

[No. 349.]

AN ACT to authorize the township of Saugatuck, in Allegan county, to borrow money to be used in rebuilding a bridge across the Kalamazoo river and approaches thereto in said township, to issue bonds for the payment thereof and to provide for the payment of the principal and interest of said bonds.

The People of the State of Michigan enact:

Township board authorized to borrow money.

SECTION 1. The township board of the township of Saugatuck, in Allegan county, is hereby authorized and empowered to borrow on the faith and credit of said township not to exceed the sum of ten thousand dollars, which is to be due and payable within ten years from the date of said loan, at a rate of interest not exceeding five per cent, per annum, and to execute coupon bonds of said township therefor in such form as said board shall by resolution determine, which said bonds shall in no case be disposed of for a sum less than their par value.

Question of loan to be submitted to electors.

SEC. 2. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of said township, voting at the annual meeting to be held in said township in the spring of nineteen hundred five, or at a special election to be called for the purpose of voting on said loans, shall so determine, and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof, by causing the date, the place of voting, and the object of said election to be stated in printed or written notices in six public places in said township, not less than six days before said election, which notice shall state the sum of money proposed to be borrowed.

Form of ballot.

SEC. 3. The vote upon such proposition shall be by ballot, either written or printed, or partly written and printed. Ballots in favor of such proposition shall be in the following words: "For issuing township bonds—Yes." And the ballots against the same shall be in the following words: "For issuing township bonds—No." And it shall be the duty of said township board to provide, at the polls of such election during the whole time while the same shall be open, a sufficient number of said ballots both for and against said proposition, as shall be necessary to supply all the electors desiring to vote thereon. The election shall be conducted, and the votes canvassed, in all respects as in any other township election; and, immediately upon the conclusion of such canvass, the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon

Manner of conducting election.

such proposition, and the number for and against the same respectively; and said inspectors shall endorse upon such certificate a declaration in writing of the result of such election, which said certificate and declaration shall then be filed with the clerk of said township, and a copy of said certificate and declaration certified to by said township clerk shall be filed by him with the county clerk of the said county of Allegan.

Certificate of election where filed.

SEC. 4. Any money borrowed under the provisions of this act shall be expended in rebuilding the bridge across the Kalamazoo river, connecting the villages of Saugatuck and Douglas, in said township of Saugatuck; and in case of the issue of such bonds, it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect, in each year thereafter, in addition to all other taxes authorized by law, to be assessed and collected in said township, an amount sufficient to pay all interest upon said bonds accruing and becoming payable thereon, and also any installments of the principal thereof, falling due in any such year; and the said interest shall be paid by said treasurer after the same shall become due, on presentation to him of the proper coupons; and the said principal shall be payable by the said treasurer, after the same shall become due, on proper presentation to him of the proper bonds.

For what purpose money to be expended.

Duties of supervisor and treasurer.

Principal and interest when paid.

This act is ordered to take immediate effect.

Approved February 17, 1905.

[No. 350.]

AN ACT to disorganize the townships of Cedar and Sherwood in the county of Mackinac, and to organize the territory included therein into a new township to be known as the township of Clark.

The People of the State of Michigan enact:

SECTION 1. The township of Cedar, in Mackinac county, which comprises the lands in surveyed townships forty-one and forty-two north, range one west, and the township of Sherwood, in said Mackinac county, which comprises the lands in surveyed townships forty-one and forty-two north, range one east, and forty-one north, range two east, are hereby disorganized, and the territory now in the said two townships of Cedar and Sherwood, being the lands lying along the north shore of Lake Huron and known as townships forty-one and forty-two north, range one west, towns forty-one and forty-two north, range one east, and town for-

Townships disorganized.

Township organized.	ty-one north, range two east, are hereby organized into a new township to be known and designated as Clark.
First township meeting.	SEC. 2. The first township meeting in the said township of Clark shall be held in Cedarville, in the same place at which the last annual township meeting for the township of Sherwood was held, and at the date fixed by law for the holding of the annual township meetings. The inspectors of said first election shall be William D. Hossack and William Canty of Cedarville, and Joseph Fenlon of Hessel. The proceedings had, and the officers to be chosen, at said first township meeting, shall be in conformity with the general laws of the State relating to annual township meetings.
Inspectors of first election.	SEC. 3. William D. Hossack, William Canty and Joseph Fenlon shall constitute the board of registration for said first township meeting of the township of Clark, and shall perform their duties in accordance with the general registration laws of the State.
Board of registration.	SEC. 4. The said William D. Hossack, William Canty and Joseph Fenlon shall be a board of election commissioners for said first township meeting of the township of Clark.
Board of election commissioners.	SEC. 5. All debts, demands and rights of action now existing against either of the said townships of Cedar and Sherwood, shall be assumed by the said township of Clark, and shall become and remain the debts, demands and rights of action against the township of Clark.
Township of Clark to assume debts.	SEC. 6. It shall be the duty of the township officers of the townships of Cedar and Sherwood to turn over to the officers of the township of Clark, the same as if the officers of the township of Clark were their successors in office, all funds, files and records held by them by virtue of their offices.
Duty of township officers.	This act is ordered to take immediate effect. Approved February 17, 1905.

[No. 351.]

AN ACT relative to applications for the locating and establishing of drains within the county of Isabella.

The People of the State of Michigan enact:

Application for establishing drain.	SECTION 1. Before the drain commissioner for the county of Isabella shall take any action relative to locating or establishing any drain in said county, there shall be filed with him an application, signed by at least a majority of the freeholders of the lands to be drained thereby and to be assessed therefor; and in case the application be for an extension of any drain, at least one-half of the petitioners must
Extension of drain.	

be the owners of lands not previously assessed for benefits in the construction of said drain. Such application, so signed as above, shall give a general description of the beginning, the route and terminus of the drain. In case any county drain commissioner shall directly or indirectly interest himself in the securing of signatures to an application for any drain, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed fifty dollars, or by imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment in the discretion of the court, and his office shall thereby become vacant. The applicants for any drain shall be jointly and severally liable for all costs and expenses in case the county drain commissioner, upon examination of the route and determination of the survey, shall find that such drain is either unnecessary or impracticable, or in case the proceedings shall be dismissed for any other cause. If any person signing such application shall refuse to pay such costs and expenses, the county drain commissioner shall bring suit in a court of competent jurisdiction and collect such costs and expenses and costs of suit. If, upon the presentation of such application, the county drain commissioner shall deem the financial responsibility of the applicants to be insufficient, he shall have the right to return such application for additional signatures.

Drain commissioner, when guilty of misdemeanor.

Applicants, when liable for costs, etc.

Application may be returned.

This act is ordered to take immediate effect.

Approved February 20, 1905.

[No. 352.]

AN ACT authorizing and directing the township board of the township of Greenfield, in the county of Wayne, to divide said township into two election districts and to repeal all acts and parts of acts in conflict herewith.

The People of the State of Michigan enact:

SECTION 1. The township board of the township of Greenfield, in the county of Wayne, is hereby authorized and directed to divide said township into two election districts.

Who to divide township.

SEC. 2. District number one shall include so much of said township as lies south and west of the following line, viz.: Commencing at a point on the southeasterly line of the township, midway between Twelfth and Eighteenth streets; thence northwesterly on the line parallel to and midway between Twelfth and Eighteenth streets to the northwesterly line of the Ten Thousand Acre tract; thence southwesterly along the line of the Ten Thousand Acre tract

District No. 1, what portion included in.

to the quarter line dividing fractional section twenty-two and sections fifteen, ten and three, and north on said quarter line to the north line of the township.

District No. 2. SEC. 3. District number two shall comprise the remainder of the township lying east and north of said dividing line commencing at a point on the southeasterly line of the township midway between Twelfth and Eighteenth streets; thence northwesterly on the line parallel to and midway between Twelfth and Eighteenth streets to the northwesterly line of the Ten Thousand Acre tract; thence southwesterly along the line of the Ten Thousand Acre tract to the quarter line dividing fractional section twenty-two and sections fifteen, ten and three, and north on said quarter line to the north line of the township.

Repealing clause. SEC. 4. All acts and parts of acts in conflict herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved February 20, 1905.

[No. 353.]

AN ACT to detach certain territory from the township of China in the county of St. Clair, and attach the same to the township of East China in said county.

The People of the State of Michigan enact:

What territory included. SECTION 1. That the south half of fractional section twenty-five, and the northeast quarter of the northeast quarter of fractional section thirty-six, all in township numbered four north, of range numbered sixteen east, in St. Clair county, shall be and the same is hereby detached from the township of China, in the county of St. Clair, and attached to and hereafter shall constitute and be made a part of the township of East China in said county.

Taxes levied where paid. SEC. 2. All taxes heretofore levied upon the territory attached and affected by this act shall be collected and paid over to said township of China, the same as though this act had not been passed.

Repealing clause. SEC. 3. All acts and parts of acts contravening any of the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved February 20, 1905.

[No. 354.]

AN ACT to provide for the creation and election of a board of county auditors for the county of Washtenaw, and to define its powers and duties and determine the compensation thereof, and to provide for the punishment for the violation of the same, and to repeal act number five hundred forty-five of the local acts of nineteen hundred three, and all other acts and parts of acts anywise contravening the provisions of this act.

The People of the State of Michigan enact:

SECTION 1. That a board of county auditors for the county of Washtenaw is hereby created, and the members of said board of county auditors for the said county of Washtenaw shall be elected at the time and in the manner as hereinafter provided. Before entering upon the duties of their office, they shall take and file in the office of the county clerk the constitutional oath of office, and file in the office of the county treasurer a bond to the people of this State conditioned for the faithful performance of the duties of their office, which bond, with the sureties thereto and the penal sum therein mentioned, shall be approved by the judge of the circuit court for said county.

Board of
Auditors
created.

Shall take
oath and file
bond.

SEC. 2. At the general spring election to be held in the said county of Washtenaw on the first Monday in April, nineteen hundred five, there shall be elected one member of said board who shall hold his office for the term of two years from and after said election and until his successor has been elected and qualified, two for the term of four years from and after said election and until their successors shall have been elected and qualified, and each two years thereafter at such spring election a member or members of said board shall be elected for the term of four years to succeed to the office of the expired term or terms.

When elected,
and term of
office of.

SEC. 3. Whenever a vacancy occurs on said board, said vacancy shall be filled by appointment by the Governor of the State of Michigan to fill the unexpired term.

How vacancy
filled.

SEC. 4. The terms of office of the members of said board shall commence immediately after said election and after said members are duly qualified for said office by filing oath and bond as aforesaid, said members being hereby required to qualify within ten days after receiving notice of election. No member of the board of supervisors of said county shall be eligible to hold the office of county auditor.

Term of office
when to
commence.

SEC. 5. Said board of auditors shall organize by electing one of their number chairman. The county clerk shall be ex-officio clerk of the board of auditors. Such board when organized shall meet in the court house at the county seat of said county on the first Monday of each month there-

When to
meet.

Powers and
duties of.

after, and shall have the power to hear, examine, and adjust all claims against the county of Washtenaw, and the sum so fixed and defined shall be subject to no appeal. Said board of auditors shall have all the rights, powers, duties and liabilities relating to said claims which formerly belonged to and were exercised by the board of supervisors in said county prior to the adoption of a constitutional amendment authorizing the creation of a board of auditors in said county of Washtenaw, and no bills against the county of Washtenaw shall be audited, allowed, or paid in any other manner than is provided for in this act.

Shall keep a
list of claims,
etc., and draw
warrants in
payment.

SEC. 6. Such board shall keep a full and complete record of its proceedings, a list of claims presented and the action of its individual members thereon, and shall draw warrants upon the county treasurer for the payment of all claims allowed, which warrants shall be signed by the chairman and attested by the clerk of the board, and it shall be the duty of the county treasurer of the county of Washtenaw to pay on presentation to him all warrants drawn as herein provided. Such board shall provide for the publication of its proceedings.

Sessions
limited.

SEC. 7. A majority of such board shall be qualified* to transact such business as may lawfully come before them. The said board of county auditors shall remain in session not exceeding three days in each month, and each member shall receive for his services the sum of five dollars per day and six cents per mile for traveling expenses one way by the usual traveled route from his home to the county seat. The county clerk shall receive a reasonable compensation for his services as clerk of the board, which shall be allowed by the board of supervisors or taken into consideration by the board of supervisors in fixing his salary as county clerk.

Compensation.

County clerk.

County
treasurer,
when to pay
out moneys.

SEC. 8. The county treasurer of said county shall not pay any moneys excepting on the warrants drawn by the said board of auditors, which shall be signed by the chairman of said board and countersigned by its clerk, and no warrant or warrants shall be drawn or issued by said board or any member thereof, or countersigned by said clerk excepting for the amount or amounts of claims against said county which shall have been duly audited and allowed by said board. Any member of said board or clerk thereof violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding two years, or both such fine and imprisonment in the discretion of the court.

Penalty for
violations of
act.

Act repealed.

SEC. 9. That act five hundred forty-five of the local acts of nineteen hundred three, entitled "An act to provide for the creation of the board of county auditors for the county of Washtenaw, and to define its powers and duties," ap-

proved June eighteenth, nineteen hundred three, is hereby repealed.

This act is ordered to take immediate effect.

Approved February 24, 1905.

[No. 355.]

AN ACT to enable the qualified electors of school district number one of the city and township of Kalamazoo, Kalamazoo county, Michigan, to borrow money and to issue the bonds of said district for the same for the purpose of paying for a schoolhouse site, the erection of school and library buildings, and for the purposes of securing and providing for the location and construction of a State normal school in said district in order to save the expense to the district of constructing, equipping and maintaining a training school building; and to make valid the vote had at the special meeting of said school district on the nineteenth day of October, nineteen hundred three, to issue bonds for such purposes to the amount of seventy thousand dollars, and to make valid the bonds issued under said vote.

The People of the State of Michigan enact:

SECTION 1. That the qualified electors of said district may, at a general or special meeting called for the purpose, vote to authorize the board of education of the district to borrow money and to issue the bonds of the district therefor, not exceeding the sum of seventy thousand dollars, for the purpose of paying for a schoolhouse site, and to erect and furnish school and library buildings, and to repair, alter and add to the same, and to secure and provide for the location and construction of a State normal school in said district, in order to save the expense to the district of constructing, equipping and maintaining a training school building. And when authorized by such vote said board shall have power to borrow the sum voted, and to issue the bonds of the district for the same, in the discretion of the board as to rate of interest and time of payment.

Electors may authorize school board to issue bonds.

Board shall have power to borrow money, etc.

SEC. 2. The vote had at the special meeting of said district held on the nineteenth day of October, nineteen hundred three, voting to issue bonds to the amount of seventy thousand dollars, for the purposes aforesaid, is hereby declared legal and valid, and the bonds issued by virtue of the same are declared valid and a legal and binding obligation against said district. And this act shall, in all things, relate back to said meeting, and its preliminaries in the same

Vote at special meeting and bond issue legalized.

manner as if it had been passed before any such proceedings had been taken.

This act is ordered to take immediate effect.

Approved February 24, 1905.

[No. 356.]

AN ACT to authorize justices of the peace of the township of Kearney, in Antrim county, and justices of the peace for the township of Forest Home, to hold court and try civil or criminal causes anywhere within the village limits of the village of Bellaire, Antrim county, Michigan.

The People of the State of Michigan enact:

Justices may
hold court in
Bellaire
village.

SECTION 1. Justices of the peace elected in the township of Kearney, in the county of Antrim, and duly qualified according to law, and justices of the peace elected in the township of Forest Home, in the county of Antrim, and duly qualified according to law, may hold court and try any cause, civil or criminal, cognizable by justices of the peace, anywhere within the village limits of the village of Bellaire.

This act is ordered to take immediate effect.

Approved February 24, 1905.

[No. 357.]

AN ACT to authorize and empower school district number two of the township of Clinton, Lenawee county, to borrow a sum of money not exceeding fifteen thousand dollars in excess of the maximum amount now allowed by law, for the purpose of purchasing a schoolhouse site, building a schoolhouse and equipping and furnishing the same.

The People of the State of Michigan enact:

Electors may
vote to issue
bonds for
certain
amount.

SECTION 1. School district number two of the township of Clinton, in Lenawee county, may, by a two-thirds vote of the qualified electors of said school district, at any annual meeting or at any special meeting called for that purpose, borrow money and issue its bonds therefor, in a sum not exceeding fifteen thousand dollars in excess of the maximum amount now allowed by law, for the purpose of purchasing a schoolhouse site, building a schoolhouse and

equipping and furnishing the same: Provided, That the time Proviso. for the payment of any bonds issued by virtue of this act shall not be extended beyond the term of ten years.

This act is ordered to take immediate effect.

Approved February 24, 1905.

[No. 358.]

AN ACT to provide for the formation of school districts in the township of Clark, in the county of Mackinac.

The People of the State of Michigan enact:

SECTION 1. A school district, to be known as school dis- District No. 1,
trict number one of the township of Clark, is hereby formed, what territory
comprised of the territory heretofore known as Cedar town- included in.
ship in said county, said territory including the land in sur-
veyed townships forty-one and forty-two north, range one
west; and a school district, to be known as school district District No. 2.
number two of the township of Clark, comprised of the ter-
ritory heretofore known as the township of Sherwood in
said county, said territory including the land in surveyed
townships forty-one and forty-two north, range one east, and
town forty-one north, range two east.

SEC. 2. The said school districts herein provided for shall Certain act to
continue to be governed by, and shall be subject to, act one govern.
hundred seventy-six of the public acts of eighteen hundred
ninety-one, as amended by act one hundred fifty-four of the
public acts of nineteen hundred three, to the same extent
and in the same manner as though the said townships of
Cedar and Sherwood in said county had not been disorgan-
ized, and all matters not covered by said acts shall be gov-
erned by the provisions of the general school laws. All Debts and
debts, liabilities and rights of the school districts, in the rights assumed
townships heretofore known as Cedar and Sherwood, shall by new
remain and continue to be the debts, liabilities and rights of districts.
the said respective school districts herein provided for, and
the sessions of the school and the general business of the
districts shall be carried on in the same manner, as if there
had been no consolidation of the said townships of Cedar
and Sherwood into the township of Clark.

This act is ordered to take immediate effect.

Approved February 24, 1905.

[No. 359.]

AN ACT to authorize the village of Red Jacket, in the county of Houghton and State of Michigan, to borrow money for the purpose of paving the streets of said village and making other street improvements therein, and to issue bonds therefor.

The People of the State of Michigan enact:

Council empowered to issue bonds.

Amount.

Proviso.

May submit proposition to electors.

Notice, how given.

Council may call special election.

When may submit further propositions.

Form of ballot.

SECTION 1. The village council of the village of Red Jacket, in the county of Houghton and State of Michigan, shall be, and is hereby authorized and empowered, to borrow money on the faith and credit of said village, and to issue bonds therefor to an amount not exceeding two hundred thousand dollars, which shall be expended for the purpose of paving such streets in said village as the village council may from time to time determine shall be paved, and in making other street improvements therein: Provided, That two-thirds of the qualified electors of said village who are present and voting at any annual election, or at a special election called for that purpose, shall vote therefor.

SEC. 2. The village council of said village of Red Jacket may, from time to time, submit to the electors of said village a proposition to borrow money under the authority of this act and to issue bonds therefor, as herein provided, in such amounts, not exceeding at any one time or in the aggregate the said sum of two hundred thousand dollars, as said village council may determine, which proposition may be submitted at any annual election of said village, or at a special election to be called for the purpose. Public notice that said proposition will be so submitted shall be given by order of the village council, signed by the clerk of said village, by publishing the same in a newspaper in said village once in each week for at least two weeks before said election, and by posting a copy of such notice in at least three public places in said village, not less than two weeks before said election; and said notice shall state that the electors of said village will be called upon to vote upon said proposition so determined by said council; and said village council is hereby authorized and empowered to call a special election at any time in its discretion, for the above named purpose, and in the manner aforesaid.

SEC. 3. The said village council may submit such proposition in manner aforesaid, and in case such proposition is for a less sum than the aggregate above mentioned, the said village council may in its discretion, from time to time, submit further propositions for further loans under the authority of this act, but not to exceed in all the sum of two hundred thousand dollars.

SEC. 4. The vote upon any such proposition under the

provisions of this act shall be by ballot, which shall be in substantially the following form:

"Vote on proposition to borrow money for pavements and other street improvements.

Mark or stamp a cross in the appropriate square below.

☐ On the proposition to borrow money—Yes.

☐ On the proposition to borrow money—No."

And such ballot shall be deposited in a separate ballot box, to be labeled "Village Loan," and such ballots shall be cast, canvassed and the result thereof certified to in the same manner, as is provided by law, respecting ballots cast for the officers of said village. Election conducted the same as in village elections.

SEC. 5. If such loan shall be authorized by two-thirds of said electors voting at such election, coupon bonds may be issued in such sums and at such times, not exceeding in the aggregate the amount thereinbefore limited, and payable at the time or times not exceeding thirty years, with such rates of interest not exceeding five per cent per annum, as the said village council shall direct, and shall be signed by the president, and countersigned by the clerk of said village, and sealed with the seal of said village, and negotiated by or under the direction of the said village council: When council may issue bonds, rate of interest, etc. Provided, That said bonds shall not be sold at less than par, and the money arising therefrom shall be used for the purposes aforesaid; and the said village council is hereby empowered to raise such sum, or sums of money, from time to time, as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due, by taxes upon the taxable property of said village, which taxes, so to be assessed, shall be in addition to all other taxes which said village is now authorized to raise, and shall be denominated in the tax assessment roll and proceedings in regard thereto as "Special Bond Tax." Proviso.

This act is ordered to take immediate effect.

Approved February 24, 1905.

[No. 360.]

AN ACT to detach certain territory from the township of Germfask and from the township of Doyle in the county of Schoolcraft, State of Michigan, and to organize such territory into a separate township, to be known as the township of Mueller.

The People of the State of Michigan enact:

SECTION 1. Township forty-three north, of range thirteen west, in the township of Germfask, and fractional township Mueller township organized

forty-one and township forty-two north, of range thirteen west, in the township of Doyle, are hereby detached from said townships of Germfask and Doyle, and organized into a separate township, to be known as the township of Mueller.

First meeting,
when and
where held.

Who to con-
stitute board
of inspectors.

Notice of
meeting.

Inspectors,
how chosen.

Board of
registration,
who to
constitute.

Session of,
where held.

SEC. 2. The first township meeting in said township of Mueller shall be held at the town hall at Blaney, within said township, on the first Monday in April, A. D. nineteen hundred five, and George Phillips, Harry Ashford and Bernie Venier are hereby made and constituted a board of inspectors of said township election, at which said election the qualified voters in said township shall elect by ballot persons to fill the various township offices, in manner and form as provided by the general laws of the State in case of township elections.

SEC. 3. If, for any reason, the township meeting provided for in the last preceding section shall not be held at the time specified for holding the same, it shall and may be lawful to hold the same at any time hereafter, by giving at least five days' notice of the time and place of holding such meeting, by posting notice thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election or a majority of them.

SEC. 4. If, for any reason, all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend said meeting.

SEC. 5. And the said George Phillips, Harry Ashford and Bernie Venier, or a majority of them, shall constitute a board of registration, with like powers and duties of township boards of registration in other cases, and the holding of the session of the said board of registration shall be at the town hall at Blaney, on the Saturday preceding said election, notice of which may be given in the same manner and for the same time as provided in the case of holding elections in section three of this act.

This act is ordered to take immediate effect.

Approved February 24, 1905.

[No. 361.]

AN ACT to authorize the city of Greenville to raise money for building a court house therein for the county of Montcalm, and to authorize said city to issue bonds and provide for the payment thereof.

The People of the State of Michigan enact:

SECTION 1. The city of Greenville shall be, and is hereby, authorized and empowered to borrow money on the faith and credit of said city, and issue bonds therefor, to an amount not exceeding forty thousand dollars, which shall be expended in the construction of a court house for the county of Montcalm, to be located in the city of Greenville, by and under the direction of the board of supervisors of said county: Provided, That two-thirds of the electors of said city, voting upon the question of said loan, shall vote for said loan in the manner hereinafter specified, and not otherwise.

City authorized to borrow money and issue bonds.

Proviso.

SEC. 2. The raising of said money by loan shall be submitted by the common council of said city to the electors thereof, and a vote shall be taken, as near as may be in accordance with the provisions of the organic act of said city, the same being entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seven, eighteen hundred ninety-five, and the amendments thereto.

Certain act to govern.

SEC. 3. If such loan shall be authorized by the electors of said city as aforesaid, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times, with such rate of interest not exceeding five per cent per annum, as said city by its common council may direct, and shall be signed by the mayor and countersigned by the clerk of said city, and sealed with the seal of said city and negotiated by or under the direction of the common council of said city. And the moneys arising therefrom shall be appropriated and expended for the purposes aforesaid.

When bonds to issue.

SEC. 4. When such bonds have been negotiated, the money shall be paid to the city treasurer, and by him held as a separate and distinct fund, and the common council of said city may order and direct that such portion thereof as may be necessary, from time to time, to be used in the construction of such court house, be paid by said city treasurer over to the treasurer of said county of Montcalm, to be used for the purposes herein stated, by and under the direction of the board of supervisors of said county. And it shall be the duty of the common council of said city of Greenville to direct that the same be paid over to the county treasurer, in the manner herein provided, upon the request of any building committee of the board of supervisors of said county hav-

Money to be paid city treasurer.

When money paid over to county treasurer.

ing charge of the construction of said building, at any time after it shall have been definitely determined to build said court house at the city of Greenville.

Council em-
powered to
raise amount
by tax.

SEC. 5. The said city of Greenville, by its common council, shall have power and authority to, and it is hereby made the duty of said common council to raise by tax upon the taxable property of said city such sums as shall be sufficient to pay the amount of said bonds, and the interest thereon, as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved February 24, 1905.

[No. 362.]

AN ACT to create a board of public works for the village of Harbor Springs, Michigan, to define its powers and duties and to repeal all laws in conflict therewith.

The People of the State of Michigan enact:

Board of
public works,
when elected,
etc.

SECTION 1. There shall be created and constituted a board of public works in and for the village of Harbor Springs, composed of three members, qualified electors of said village, who shall be elected at the annual spring election held in said village of Harbor Springs, on the thirteenth day of March, nineteen hundred five, one of whom shall be elected for one year, one for two years and one for three years, and who shall hold their office until their successors are duly elected and qualified. And annually thereafter a member of said board shall be elected for the full period of three years. The members of said board, elected under this act, shall, within ten days from the date of their election, meet and organize said board of public works by the election of one of their members as president; and said board is hereby empowered to appoint a suitable person to act as clerk of said board, who shall execute a bond with sufficient sureties satisfactory to said board for the faithful discharge of his duties; and the council of said village of Harbor Springs shall thereupon, and at all times thereafter, provide said board of public works with suitable office rooms for its meetings and business uses, and supply record books, stationery and other things necessary for the transaction of the public business in charge of said board, and provide for the payment in like manner as other accounts against the village, of all necessary and lawful expenses incurred by said board of public works, including the salary of its clerk.

When to
organize.

Council to
furnish office
rooms, books,
etc.

To have con-
trol, etc., of
electric light
plant.

SEC. 2. Said board of public works shall have the management, supervision and control of the electric light plant of said village of Harbor Springs, which includes the power

to fix the rate for lights and to collect the same. All moneys thus collected shall be turned over to the village of Harbor Springs. The said board shall do and perform all the acts necessary for the proper maintenance and operation of said electric light plant. Said board shall hire and fix the salaries of employes of said electric light plant and shall purchase fuel and all other material to be used in connection with the operating of said plant. The board of public works, at the commencement of each fiscal year, shall make an estimate of the amount of money necessary to be raised by taxation to operate said electric light plant for the year and report the same to the council for its approval. The expenditures by said board of public works shall not exceed the amount approved by said council. All expenses incurred by said board shall be certified to by the president and secretary of said board and turned over to the clerk of said village, who shall report the same to the council of said village, who shall provide for the payment of the same.

Shall hire and fix salaries of employes.

Estimate amount of taxes.

SEC. 3. Said board shall classify the various work under its control, and keep an accurate account of the cost of each, and of the accounts expended for the construction, repairs, superintendence and salaries of employes, and also detailed accounts of all other matters under its charge and control, and shall make an annual statement of the same to the council of said village in time to be published in the annual financial statement of said village, and shall, at such other times as shall be deemed necessary by the council of said village, make a statement of the receipts and expenditures incurred by said board and all other information necessary to the full understanding of the business conducted by the board.

Shall classify work, and keep account of expenses.

Annual statement.

SEC. 4. The village attorney shall act as legal advisor of said board, and the clerk thereof shall keep a full record of its proceedings, showing the votes by ayes and nays of each member upon every motion brought before, and determined by, said board; which record shall, at all times, be open to public inspection. A majority of the board shall form a quorum for the transaction of business. The board shall have power to make all by-laws, rules and regulations, as may be necessary or expedient for the conduct of the business. It shall have the power to fix the duties, and at any time to suspend or discharge any of its appointees or employes, and appoint or employ others in their place, as to the said board the public interests may seem to require.

Village attorney and clerk of.

Board to make by-laws, rules, etc.

SEC. 5. No member of said board shall hold any elective office under the charter of said village during continuance as a member of said board, and his election to, and acceptance of, any office in said village shall be deemed a resignation of membership and shall vacate his office in said board. No member of said board shall be personally interested, either directly or indirectly, in any contract for the purchase of any machinery or supplies for said electric light plant, or in

No member to hold elective office.

Not to be interested in certain contracts.

How vacancy
filled.

the sale or disposition of any material to be used in or about the same. Whenever a vacancy shall occur in said board by reason of resignation, death or otherwise, the council of said village shall appoint a qualified elector of said village to fill the vacancy, until the village election next following, at which time a qualified elector of said village shall be elected to fill the vacancy for the unexpired term.

This act is ordered to take immediate effect.

Approved February 28, 1905.

[No. 363.]

AN ACT to amend section six of act three hundred sixteen of the local acts of the State of Michigan, for the year one thousand nine hundred three, entitled "An act to organize the township of Pointe Aux Barques in the county of Huron," approved March twelfth, one thousand nine hundred three.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section six of act three hundred sixteen of the local acts of the State of Michigan, for the year one thousand nine hundred three, entitled "An act to organize the township of Pointe Aux Barques, in the county of Huron," approved March twelfth, one thousand nine hundred three, is hereby amended so as to read as follows:

Township shall
constitute one
school district.

SEC. 6. Said township of Pointe Aux Barques shall constitute one school district, the boundaries of which shall be the same as the boundaries of said township, and shall be known and called district number one of the township of Pointe Aux Barques; and the annual school meeting and election of members of the school board in said district shall be held on the first Monday of April in each year.

Annual school
meeting.

This act is ordered to take immediate effect.

Approved March 1, 1905.

[No. 364.]

AN ACT to amend section three of chapter two, section four of chapter four, and section fifteen of chapter six, of an act, entitled "An act to revise the charter of the city of Negaunee, in Marquette county, being amendatory of an act, entitled 'An act to incorporate the city of Negaunee, in Marquette county,' approved April eleven, eighteen hundred seventy-three," approved March twenty-seven, eighteen hundred ninety-one, and the acts amendatory thereof, and to repeal all acts or parts of acts inconsistent therewith, and to add one new section to stand and be known as section three of chapter four, and to add one new chapter to stand and be known as chapter fourteen.

The People of the State of Michigan enact:

SECTION 1. Section three of chapter two, section four of chapter four and section fifteen of chapter six, of an act, entitled "An act to revise the charter of the city of Negaunee, in Marquette county, being amendatory of an act, entitled 'An act to incorporate the city of Negaunee, in Marquette county,' approved April eleven, eighteen hundred seventy-three," approved March twenty-seven, eighteen hundred ninety-one, and the acts amendatory thereof, and to repeal all acts or parts of acts inconsistent therewith, are hereby amended so as to read as follows, and there are added one new section, to stand and be known as section three of chapter four, and one new chapter to stand and be known as chapter fourteen. Sections amended.

CHAPTER II.

SEC. 3. The following officers shall be chosen by ballot by the common council on the second Thursday after the annual election in each year, namely: One marshal, one city attorney, one assessor and one poundmaster; and the following officers shall be chosen on the same day by the board of public works, with the consent of the common council, namely: One superintendent of water works, one or more fire wardens, one commissioner of streets and highways, one superintendent of the electric light system; and as many clerks, engineers, firemen and other employes as shall be necessary to effectually carry out the work under the charge of said board: Provided, That the board of public works, with the consent of the common council, may appoint one person to act as superintendent of water works, fire wardens, superintendent of the electric light system, and commissioner of the streets and highways, who when so appointed shall be Officers chosen by council.

By board of public works.

Proviso.

Salaries.

known as the superintendent of public works. All officers appointed by the board of public works, with the consent of the common council, shall receive such salary as said board of public works, with the consent of the common council, shall determine. In case no officers are chosen on the second Thursday after the annual election, the old officers shall hold over until their successors are chosen and qualified, as herein prescribed, unless sooner removed by competent authority. No officer named in this section to be appointed by the common council shall be deemed appointed until he receives a majority of the votes of all the members elect of the common council voting by ballot. No officer named in this section to be appointed by the board of public works, with the consent of the common council, shall be deemed appointed until he receives a majority of the votes of all the members of the board of public works and such appointment is confirmed by a majority of the common council voting by ballot. All officers appointed under this section shall enter upon the duties of their respective offices as soon as they are appointed and qualified, and shall hold their offices for one year thereafter and until their successors are chosen and qualified. They shall file their oaths of office with the recorder, together with such security for the faithful discharge of the duties of their offices as may be required under the provisions of this act before entering on the duties of their offices and within five days after their appointment; and in case of the appointment of a superintendent of public works he shall furnish such security as the common council from time to time shall require.

CHAPTER IV.**Vacancies
filled by board
of public
works.**

SEC. 3. When any vacancies occur in any of the offices which are filled by the board of public works, with the consent of the common council, either by death, resignation, removal of the incumbent, or otherwise, the said board of public works may fill such vacancies, with the consent of the common council, by appointment for the remainder of the unexpired term for which such officer was appointed.

**By common
council**

SEC. 4. In case any vacancy shall occur in any of the offices in this act declared to be elective, except justices of the peace, the common council shall fill such vacancy by the appointment of a suitable person, who is an elector, and, if appointed for a ward, who is also a resident of the ward for which he shall be appointed; and any officer appointed to fill such a vacancy shall hold by virtue of such appointment until his successor is elected or appointed, as the case may be, and qualified: Provided, That if the common council shall deem it expedient they may call a special election

Proviso.

to fill any vacancy occurring in any elective office, except justices of the peace.

CHAPTER VI.

SEC. 15. The street commissioner, or such other officer or person as the board of public works shall designate and appoint, shall, under the direction of the board of public works, superintend the making, grading, paving, repairing, and opening of all streets, lanes, alleys, sidewalks, crosswalks, or other public grounds within the limits of the city in such manner as he or they may be from time to time directed by such board of public works; and such street commissioner shall collect all capitation or poll taxes in the city and all resident highway, labor or tax therein which overseers of highways are authorized to collect in their respective highway districts, and such commissioner of streets and highways shall be overseer of highways and vested with all the powers of overseers of highways under the laws of this State, now or hereafter in force in this State, and such commissioner may pursue and adopt the same course in collecting all highway tax and in the performance of all duties as overseers of highways in townships may adopt; and he may collect all such taxes in such manner as the by-laws or ordinances in force in said city may prescribe; and he shall give a bond in such penalty and with such surety as the common council may prescribe and direct, conditioned for the faithful performance of his duties as such street commissioner and for the accounting for and paying over all moneys that may come into his hands, as such officer, by virtue of his office; and he shall be the fence viewer of the city and possess all the powers and be subject to the same liabilities as fence viewers in townships: Provided, That, in case the board of public works shall adopt a superintendent of public works, such superintendent shall have all the powers and duties of the street commissioner under this section, and the bond furnished by such superintendent of public works for the faithful discharge of his duties and for paying over all moneys that shall come into his hands shall be deemed sufficient to satisfy the requirement of a bond from the street commissioner under this section.

Street commissioner, duties of.

Shall collect poll tax, etc., same as overseers of highways.

Must give bond.

Shall be fence viewer.

Proviso.

CHAPTER XIV.

SECTION 1. Prior to the first day of July, nineteen hundred five, the common council shall appoint a board of public works, composed of three persons, who shall be residents and qualified electors of said city, to be known as members

Board of public works, common council to appoint.

Term of
office.

of the board of public works. One of such persons shall be appointed for the term of one year, one for the term of two years, and one for the term of three years, from the first day of July, nineteen hundred five, and each year thereafter, at the first regular meeting of the common council held in the month of June, said council shall appoint one member of said board to serve for the term of three years and until his successor is appointed and qualified, in the place of the one whose term of office shall soonest expire. The members of said board shall take the oath of office required of city officers, within ten days from the date of their appointment and before they shall act as members of such board.

Shall elect
president.

SEC. 2. The board of public works shall elect one of its number as president, to act as such during his term of office and until his successor is appointed by said board; and said board may fill all vacancies in the office of its president.

Duties of
president.

The president of said board shall devote whatever time may be necessary to properly and efficiently superintend all work in charge of, or under the control of, said board, under the direction thereof, and shall prepare plans, specifications, estimates and other work proposed for the consideration of said board. The members of said board shall receive no compensation.

Powers of
board.

SEC. 3. Said board shall have power to make and adopt all such by-laws, rules and regulations as may be expedient for the conduct of its business not inconsistent with this act. Said city shall provide said board with suitable office room for its meetings and business use, and supply all necessary record books, stationery and other things necessary for the transaction of the public business in charge of said board.

Accounts, how
audited.

All accounts for rent and other necessary expenditures by said board shall be presented to the common council, whose duty it shall be to audit the same and order paid in like manner as other accounts against said city, on proof of the correctness thereof.

Shall have
charge of
water and
light system.
etc.

SEC. 4. The said board of public works shall have full charge of, and entire authority over, the water works system, electric light system, sewer system, streets, highways and alleys, and all other public works carried on by the city, and of the employes thereof, now and hereafter. They shall have power, and it shall be their duty, to direct and oversee on the part of the city the laying of gas and other pipes in the streets and alleys, construction of street railway tracks, the erection of telegraph, telephone and other poles in the streets, alleys and public places, and they may direct where such poles shall be placed, so as to cause the least inconvenience and injury to public travel and adjacent property owners, and shall supervise the putting up of all other street structures. They shall oversee the erection of buildings within the fire limits of the city and see that they conform to the ordinances of the common council in all respects. They shall

Power to
direct con-
struction of
street railway
tracks, gas
mains, and all
street
structures.

have the care and management of all public parks and cemeteries. They shall have full charge of and authority over the work of constructing, improving, maintaining and extending streets, sewers, water pipes and electric light lines, and whenever there is a street commissioner in said city, he shall be under the instructions of the board of public works in the general discharge of his duties.

SEC. 5. The board of public works shall have authority to employ a superintendent, to be known as the superintendent of public works, and a clerk, to be known as clerk of the board of public works. The compensation of the superintendent and the clerk shall be fixed by the board of public works, with the approval of the common council; and in case the common council shall not approve the compensation fixed for said superintendent and clerk, they shall receive such compensation as was last fixed for such officers by the board of public works and approved by the common council, until such time as said board and the common council shall agree upon a change therein.

Power to employ superintendent, clerk, etc.

Compensation of, how fixed.

SEC. 6. Any member of said board may at any time be removed by the common council of the said city for official misconduct, or for the unfaithful or inefficient performance of the duties of his office, and the proceedings in that behalf shall be entered in the record of its proceedings: Provided, That a copy of the charges against such member sought to be removed and notice of the time and place of hearing the same shall be served on such member, at least ten days previous to the time so assigned, and such member shall have all reasonable opportunity to be heard with relation to such charges.

How member removed.

Proviso.

SEC. 7. No member of said board shall hold any elective office under the charter of said city during his continuance as a member of said board; and if he shall be so elected and shall qualify to any such office it shall be deemed a resignation of membership and shall vacate his office on such board.

No member to hold an elective office.

SEC. 8. No member of such board shall be personally interested either directly or indirectly in any contract for any public work in said city under the control of said board.

Not to have interest in contracts.

SEC. 9. All work done under the supervision of said board shall be reported to the common council, from time to time, at its regular monthly meetings, and no money shall be paid out of the treasury on account of work so done, until such payment is authorized by the common council: Provided, The common council may by resolution, adopted by at least a majority of its members, authorize the board of public works to issue warrants on the city treasurer, and the city treasurer shall honor the same for the payment of labor and salaries of employes of the board of public works in carrying out the provisions of this chapter; and for such purpose such board of public works may audit such bills as come before them.

Council to audit bills of.

Proviso.

Shall make
annual report.

SEC. 10. It shall be the duty of the board of public works to make a full report to the common council at its first meeting in the month of January in each year, which report shall show all expenditures made by said board, or for work done under the control of said board, and which shall contain a complete statement of the condition, progress and operation of all the public works and property of the city under the management and control of said board.

Shall fix and
assess water
and light
rates.

Proviso.

SEC. 11. The said board shall annually, in the month of June, fix and assess the water rates and electric light rates to be paid for having and using water and electric light from the city systems for the year next ensuing the first day of July: Provided, That the rates so fixed by the board of public works shall have no force or effect until the same shall have been approved by the common council; and in case the common council shall not approve the same, then the rates to be charged for having and using water and electric light from the city systems shall be the rates last theretofore fixed and approved by the common council, which rates shall continue in force until such time as the board of public works and the common council shall agree upon changing any or all of them.

When
moneys to be
paid city
treasurer.

SEC. 12. It shall be the duty of said board, as often as once in each month, to pay into the city treasury to the credit of the funds entitled thereto all moneys received by it for water rates, electric light rates, poll tax, or for any other purpose, and to file monthly detailed statements thereof with the common council; and the said board shall make such reports and furnish such information to the common council as that body shall by resolution or ordinance prescribe.

Superintendent
and clerk
to give bonds.

SEC. 13. The superintendent and the clerk of the board of public works shall furnish bonds running to the city in such amount as the board of public works shall prescribe, to be approved by the board of public works, conditioned for the faithful performance of the duties of their respective offices and for the prompt payment of all moneys coming into their hands, to the officer, person or municipality entitled thereto.

Repealing
clause.

SEC. 14. All acts or parts of acts, in any way contravening the provisions hereof, are hereby repealed, but only so far as such acts contravene the provisions of this act.

This act is ordered to take immediate effect.

Approved March 1, 1905.

[No. 365.]

AN ACT to amend section six of act number five hundred forty-six, of the local acts of nineteen hundred three, entitled "An act to amend sections three, five and six of act number three hundred forty-six of the local acts of eighteen hundred ninety-seven, entitled 'An act to incorporate the public schools in the city of Ironwood, in the county of Gogebic, and to repeal all acts and parts of acts inconsistent therewith,' and to add three new sections thereto to stand and be known as sections 3a, 3b, and 3c."

The People of the State of Michigan enact:

SECTION 1. Section six, of act number five hundred forty-six of the local acts of nineteen hundred three, entitled "An act to amend sections three, five and six of act number three hundred forty-six of the local acts of eighteen hundred ninety-seven, entitled 'An act to incorporate the public schools in the city of Ironwood, in the county of Gogebic, and to repeal all acts and parts of acts inconsistent therewith,' and to add three new sections to stand and be known as sections 3a, 3b and 3c." is amended so as to read as follows: Section amended.

SEC. 6. Whenever the necessities of the district shall require the erection of a new school building or buildings, the board of trustees shall have complete authority to designate a school site or sites for the same, and thereupon may proceed to acquire said site or sites by purchase, lease or by condemnation. It shall not be necessary for the board of trustees to call a meeting of the district to submit the question of designating a school site to the qualified electors thereof. But no new school buildings shall be erected by said board of trustees unless the qualified electors of the district shall authorize the same at the annual meeting or at a special meeting of the district called for such purpose. In order to carry out the provisions of this section and raise money to meet the expense incurred, the district may borrow money on the faith and credit of the district and issue its bonds therefor. The manner of bonding shall be in accordance with the general school laws of the State: Board to have power to designate and acquire site. Electors to vote on building. Money, how raised. Proviso. Provided, however, The board of trustees shall have power, at any time it deems it expedient, to refund a prior issue of bonds, or any portion thereof, to issue new bonds to raise money to refund the same; and, in such case, it shall not be necessary to submit the question of issuing such bonds to the electors of the district for their approval. All refunding bonds shall bear interest not exceeding six per cent per annum, as may be fixed by the board of trustees. The bonded indebtedness of the district shall not, at any one time, exceed the sum of seventy-five thousand dollars.

This act is ordered to take immediate effect.

Approved March 1, 1905.

[No. 366.]

AN ACT to authorize the township of Forest in the county of Cheboygan and State of Michigan, to borrow money and issue its bonds therefor, for the purpose of constructing three bridges across the Black river in said township, and to provide a tax for the payment of said bonds and the interest thereon.

The People of the State of Michigan enact:

Townships
authorized to
borrow money
to build
bridges.

SECTION 1. The township of Forest, in the county of Cheboygan, is hereby authorized to borrow not to exceed the sum of six thousand dollars for the construction of three bridges over the Black river, one on the county line between the counties of Presque Isle and Cheboygan, one on the State road at a place where the section line crosses said river between sections three and ten of town thirty-four north, range one east, and one on the quarter line of section three of township thirty-four north, range one east.

Township
board, to de-
termine plan
and cost of
bridges.

SEC. 2. The township board, together with the commissioner of highways of said township of Forest, shall first determine the kind and general plan of the proposed bridges and the estimated cost and expense thereof, which cost and expense shall be borne by the said township.

When question
submitted to
electors.

SEC. 3. The question of borrowing money for the construction of such bridges shall be submitted to the electors of said township, at a special township meeting to be called and held for that purpose. The time for holding such meeting in said township shall be designated and fixed by the township board of said township. Notice of such meeting shall be given by the clerk of said township by posting printed or written notices thereof in five public places in said township, at least ten days prior to the date fixed for the holding of the election. Such notices shall state the object of the meeting and the question to be submitted. The question shall be determined in said township as a majority of the electors voting thereon shall decide. The election shall be conducted, the votes canvassed and returned, conformably, as near as may be to the general laws of the State applicable to annual township meetings. The registration, as completed for the annual township meeting next prior thereto, shall be the registration for such special meeting and no other or further registration shall be necessary. The ballots to be used at such election shall conform as near as may be to the requirements of the general laws of the State applicable thereto.

Notice of
meeting.

General laws
to govern
election.

Registration.

Ballots.

When bonds
may issue, etc.

SEC. 4. If the vote shall be in favor of the proposition, then the bonds of the said township may be issued in such form and in such sums, not exceeding in the aggregate the amount voted, and for such length of time, not exceeding ten years, and at such rate of interest, not exceeding six per cent. pay-

Interest.

able annually, as the township board of said township may determine. Such bonds shall be disposed of under the direction of the township board of said township upon such terms as they may deem advisable, but at not less than par value, and the avails thereof shall be used so far as necessary, for the construction of the bridges mentioned in section one of this act, and the expenses connected therewith and the balance, if any, shall be placed to the credit of the general highway and bridge fund of said township.

How bonds
disposed of,

SEC. 5. The township board of said township shall raise by tax upon the taxable property of said township, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due.

Township
board shall
raise amount
by tax.

This act is ordered to take immediate effect.

Approved March 1, 1905.

[No. 367.]

AN ACT to provide for three additional aldermen for the city of Mt. Clemens, Macomb county, Michigan, to be known as aldermen at large.

The People of the State of Michigan enact:

SECTION 1. In addition to the aldermen now provided by law for cities of the fourth class, under the provisions of chapter eighty-eight of the compiled laws of eighteen hundred ninety-seven, the city of Mt. Clemens, Macomb county, Michigan, shall have three aldermen at large, to be elected by the qualified electors of said city.

Shall have
three alder-
men at large.

SEC. 2. At the annual city election to be held on the first Monday of April, nineteen hundred five, in said city of Mt. Clemens, there shall be elected three aldermen at large, one for the term of three years, one for the term of two years and one for the term of one year, and the term for which each is elected shall be designated on the ballots cast for him at such election. After the first election of such aldermen at large, as herein provided, one alderman shall be elected annually for the term of three years.

When elected,
and terms of
office.

SEC. 3. Such aldermen at large shall be members of the common council of the said city of Mt. Clemens, and shall be vested with the same authority and duties as is vested by law in the members of such common council and shall take and file the oath of office as such in the manner provided by law.

Powers and
duties of.

SEC. 4. Such aldermen at large shall receive the same

Compensation.

compensation as the ward aldermen of the said city of Mt. Clemens.

This act is ordered to take immediate effect.

Approved March 1, 1905.

[No. 368.]

AN ACT to incorporate the city of Crosswell, in the county of Sanilac, as a city of the fourth class, and to repeal all acts or parts of acts relative to the incorporation of the village of Crosswell.

The People of the State of Michigan enact:

What territory included.

SECTION 1. The territory in the county of Sanilac and State of Michigan described as follows, to wit: Commencing at the northwest corner of the northwest quarter of the southwest quarter of section twenty, in town ten north of range sixteen east; thence south along the east line of sections nineteen, thirty and thirty-one, in said town ten north of range sixteen east, to a point in the east line of said section thirty-one where the extension of the north line of the land owned by the Davisville cemetery incorporation would intersect said east line of said section thirty-one; thence east to the high bank of Black river; thence northerly along the west high bank of said river, following the meanderings thereof, to a point in the center line of the Lapeer road; thence west on the center line of said Lapeer road to a stake marking the southwest corner of the land owned by the Sanilac Sugar Refining Company; thence north and east along the west and north boundary line of the lands owned by said Sanilac Sugar Refining Company to a stake at the intersection of the prolongation of the south line of the old State road with the center line of Howard avenue extension; thence south along the center line of said Howard avenue extension to its intersection with the one-eighth line of section twenty-nine, in said town ten north range sixteen east; thence east along said one-eighth line through sections twenty-nine and twenty-eight, in said town ten north of range sixteen east, to the northwest corner of the southeast quarter of the southwest quarter of said section twenty-eight; thence north along the one-eighth line in sections twenty-eight and twenty-one, in said town ten north range sixteen east, to the northwest corner of the northeast quarter of the southwest quarter of section twenty-one, in said town ten north range sixteen east; thence west along the one-quarter line of sections twenty-one and twenty, in said town ten north range

sixteen east, to the place of beginning, including all lands in said boundaries, is hereby detached from the township of Lexington, and the said territory so detached is hereby incorporated, made, constituted and organized into a city to be known as the city of Croswell.

SEC. 2. The said city shall be divided into three wards: Territory embraced in different wards.
The first ward shall embrace all that portion of said city lying south of the east and west quarter line of sections twenty-nine and twenty-eight in town ten north of range sixteen east. The second ward shall embrace all that portion of said city lying between said quarter line and the center of Wells street and a line extending east and west through the said center of Wells street to the city limits. The third ward shall embrace all that portion of said city lying north of said Wells street line.

SEC. 3. The said city of Croswell shall, in all things not herein otherwise provided, be governed and its powers and duties defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of Michigan of eighteen hundred ninety-five, approved May twenty-seven, eighteen hundred ninety-five, and all acts amendatory thereof, which said act, as the same is now or hereafter may be amended is hereby made and constituted a part of the charter of said city of Croswell. Certain act to govern.

SEC. 4. The officers of the village of Croswell at the time this act shall take effect shall also be the officers of the city of Croswell until their successors are elected and qualified, that is to say: The president of said village shall be the mayor of said city; the clerk, treasurer and assessor of said village shall be the clerk, treasurer and supervisor of said city; the members of the board of trustees of said village shall be the council of said city; the village attorney, marshal, street commissioner and health officer of said village shall be respectively the city attorney, marshal, street commissioner and health officer of said city and shall perform the duties of their respective offices and be governed by the provisions of said act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and the amendments thereto, except in so far as the same may be inconsistent with the provisions of this act, the same as if said city was incorporated in the manner provided in said act. Village officers to become officers of city.

SEC. 5. All elective officers of said city shall first be elected on the first Monday of April, nineteen hundred five. The council is hereby authorized to make full provision for the registration of electors, and for holding the said first election under said act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and the amendments thereto, in the several wards of said city. Certain act to govern officers.

SEC. 6. The mayor and aldermen of said city shall serve without compensation. First election of officers.

Rights of
action, credits,
etc., of village
transferred to
city.

SEC. 7. All rights of action, demands, credits, choses in action and property of whatsoever name or nature, belonging to or existing in favor of the said village of Croswell, shall hereafter remain and be the debt, demands, property and rights of action and choses in action of the said city of Croswell, and it shall have all the right and authority to enforce the same that was possessed by the said village of Croswell. And all debts, demands and rights of action now existing against the said village of Croswell shall be assumed by said city of Croswell, and shall hereafter become and remain debts, demands and rights of action against the said city of Croswell.

Debts, etc.,
assumed by
city.

Certain ordi-
nances, etc.,
continued in
effect.

SEC. 8. The ordinances, rules and regulations of the village of Croswell not inconsistent with the provisions of this act, at the time this act shall take effect, are hereby continued in full force and effect until legally amended or repealed by the proper authorities of said city.

Incorporation
not to affect
boundaries,
etc., of cer-
tain school
districts.

SEC. 9. The incorporation of said city of Croswell shall in no way change or affect the boundaries of school districts numbers four, eight and eleven of the township of Lexington, but the same shall continue as heretofore, and no change shall be made in the manner or time of electing the district officers of said school districts, or in the management or control of said districts, except that the taxes voted for school purposes in said districts shall be apportioned at or before the time of meeting of the board of supervisors of Sanilac county in annual session, in October in each year, by the supervisor of the said city of Croswell and the supervisor of said township of Lexington.

School taxes,
how appor-
tioned.

City shall
comprise
single assess-
ment district.

SEC. 10. The city of Croswell shall comprise a single assessment district and assessments of property and spreading of taxes shall be made thereon by a city supervisor at large, who shall be elected at the regular city election, excepting that the first supervisor shall be elected as herein provided at the first election held in said city. The said supervisor shall hold his office for one year and until his successor is elected and qualified, and shall be a member of the board of supervisors of said county of Sanilac, and as a member of such board he shall be entitled to receive the same compensation as other supervisors for attendance on said board, and he shall have all the rights, privileges and powers of the other members of said board of supervisors, and no other supervisor shall be elected in said city.

Supervisor,
powers and
duties.

Board of
Public Works,
not necessary.

SEC. 11. It shall not be necessary for the city of Croswell to create and constitute a board of public works as provided in chapter twenty-eight of act number two hundred fifteen of the public acts of eighteen hundred ninety-five and the amendments thereto, unless the council of said city shall so determine by a two-thirds vote of all the aldermen elect. Until such board of public works is established, all the duties of said board of public works shall be performed by the

Council to
perform
duties of.

council of said city. Whenever the council of said city shall, by a two-thirds vote of all the aldermen elect, determine to create and constitute a board of public works, the provisions of said chapter twenty-eight of act number two hundred fifteen of the public acts of eighteen hundred ninety-five and the amendments thereto, shall be in full force and effect in said city. Certain act to govern.

SEC. 12. The rights and liabilities as between the city of Croswell and the township of Lexington shall be adjusted according to the provisions of act number thirty-eight of the public acts of eighteen hundred eighty-three, entitled "An act to provide for adjustment of rights and liabilities on division of territory of cities and townships." and any liability accruing to the city of Croswell, by reason of the detachment of the territory from said township of Lexington, shall be paid from a tax levied only upon the territory in the city by reason of whose detachment the liability was incurred. Certain act to govern rights, etc., between city and Lexington township.

SEC. 13. All acts or parts of acts relative to the incorporation of the village of Croswell are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved March 9, 1905.

[No. 369.]

AN ACT to provide for the construction of a bridge across Grand river, in the township of Ada in the county of Kent, and for the raising of funds to defray the cost and expense thereof.

The People of the State of Michigan enact:

SECTION 1. The township board of the township of Ada, in the county of Kent, is hereby authorized to, and shall, construct a public bridge across the Grand river, on section seven in township seven north, of range ten west, on the highway running across said section and crossing said river, at a cost of no more than eight thousand dollars: Township Board authorized to construct certain bridge. Provided, That a majority of the qualified electors of said county voting on the question as hereinafter provided shall so determine and not otherwise. Proviso.

SEC. 2. The question of raising the money to build said bridge shall be submitted to the qualified electors of the county of Kent at the regular spring election held therein in the year nineteen hundred five, and the vote upon the question shall be by ballot. The electors voting in favor of the county of Kent raising the necessary money to build said bridge Question, when submitted. Form of ballot.

shall have written or printed upon their ballots the words "Shall the county of Kent raise the money to build a bridge across Grand river at Ada? Yes." The electors voting against the county of Kent raising the necessary money to build said bridge shall have written or printed upon their ballots the words "Shall the county of Kent raise the money to build a bridge across Grand river at Ada? No."

Majority of electors necessary to authorize assessment.

Township board to construct and maintain bridge.

What property assessed.

County treasurer, shall create separate fund.

SEC. 3. A majority of the qualified electors of said county, voting in their respective townships in said county and in the respective wards of the city of Grand Rapids in said county, voting on said question, shall authorize the assessing and collecting of the amount necessary to build said bridge; and the township board of the township of Ada shall cause the said bridge to be constructed, the cost not to exceed the amount of eight thousand dollars; and after the construction of said bridge the township of Ada shall forever thereafter maintain the same.

SEC. 4. The cost of said bridge and the construction thereof shall be assessed on the taxable property of the several townships in the said county of Kent and the several wards of the city of Grand Rapids in said county, according to their assessed valuation in the year nineteen hundred five, and the same shall be collected in the same manner as other taxes, and shall be paid by the respective township treasurers, and the treasurer of the city of Grand Rapids, into the hands of the county treasurer of said county, who shall hold the same as a separate fund, and pay out the same only on orders of the township board of the township of Ada, for the purpose of the construction of said bridge or for paying indebtedness incurred on account of such construction, and for no other purpose.

This act is ordered to take immediate effect.

Approved March 9, 1905.

[No. 370.]

AN ACT to authorize the township board of the township of Edenville, in the county of Midland, to borrow five thousand dollars for the purpose of building a bridge, and to issue bonds therefor.

The People of the State of Michigan enact:

Township authorized to borrow money and issue bonds to build certain bridge.

SECTION 1. The township board of the township of Edenville, in the county of Midland, is hereby authorized and empowered to borrow a sum of money not exceeding five thousand dollars, on the faith and credit of said township, and

to issue its bonds therefor, payable at a time or times not exceeding ten years from the date thereof, and at a rate of interest not exceeding five per cent per annum, which money shall be expended for the purpose of building a bridge across the Tittabawassee river at or near a point where the east and west one-fourth line of section one of said township of Edenville intersects said Tittabawassee river, and for no other purpose.

SEC. 2. It shall be the duty of the township board of said township to provide by tax for the payment of the interest on the bonds, so issued, as the same shall accrue each year, which tax shall be certified, levied and collected in the same manner as other township taxes. Tax to be raised for interest.

SEC. 3. It shall be the duty of the township board of said township to provide for the payment of said bonds at the time or times when the same shall become due and payable, by the levying of a tax for that purpose upon the taxable property of said township; and the moneys collected on such levy shall constitute a separate fund, and shall be applied to the payment of said bonds and to no other purpose. Tax to be raised for principal.

SEC. 4. The interest on said bonds shall be payable annually on the first day of April in each year. Interest, when payable.

SEC. 5. The right to issue bonds under the provisions of this act shall terminate on the first day of July in the year nineteen hundred five. When right to issue shall terminate.

SEC. 6. Such bonds shall be signed by the supervisor and treasurer and countersigned by the clerk and shall be issued in denominations of one hundred dollars each; and not more than five of such bonds shall mature in any one year, nor shall any of them mature before April one, nineteen hundred six. Bonds, how signed, etc. Maturity of.

This act is ordered to take immediate effect.

Approved March 9, 1905.

[No. 371.]

AN ACT to incorporate the city of West Branch, in the county of Ogemaw, as a city of the fourth class, and to repeal all acts or parts of acts relative to the incorporation of the village of West Branch.

The People of the State of Michigan enact:

SECTION 1. The territory in the county of Ogemaw and State of Michigan, described as follows, to wit: The south one-half of section nineteen and the north one-half of section thirty, all in township twenty-two north, range two east, is hereby detached from the township of West Branch, and Territory to contain.

the said territory so detached is hereby incorporated as the city of West Branch.

Divided into
wards.

SEC. 2. The said city shall be divided into three wards as follows: The first ward shall embrace all that portion of the city of West Branch lying west of the line extending to the city limits at the north and the south and passing through the center of Third street. The second ward shall embrace all that portion of said city of West Branch lying north of Houghton avenue and Washington street and east of the east boundary of the first ward. The third ward shall embrace all that portion of the said city of West Branch lying south of Houghton avenue and Washington street and east of the east boundary of the first ward.

Certain act
to govern.

SEC. 3. The said city of West Branch shall in all things not herein otherwise provided for, be governed, and its powers and duties defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of eighteen hundred ninety-five, approved May twenty-seventh, eighteen hundred ninety-five, and all acts amendatory thereto, except so far as the same may be inconsistent with this act.

Incorporation
not to change
boundaries,
etc., of
School Dis-
trict No. 1.

SEC. 4. The incorporation of the city of West Branch shall in no manner change the boundaries of school district number one of the township of West Branch, but the same shall continue to be a graded school district, and no change shall be made in the time or manner of electing its district officers, or in the management or control of said district, and it shall be governed in all matters as provided for in the general school laws for the government of fractional school districts in townships: Provided, That all taxes to be levied upon taxable property in said district number one shall be certified by the district board to the city clerk of the city of West Branch, and also to the township clerk of the township of West Branch in which such district is in part situated, and said city clerk shall certify the same to the assessor of the city: Provided further, That the taxes voted for school purposes in said district shall be apportioned at or before the time of meeting of the board of supervisors of Ogemaw county in annual session in October of each year.

Proviso.

Further
proviso.

Assessor,
duties, etc., of.

SEC. 5. The city of West Branch shall comprise a single assessment district, and the assessment of property and spreading of taxes shall be made therein by a city assessor, who shall be elected annually at the regular city election, and who shall perform all the duties and be governed by all the provisions of law applicable to assessors appointed by the city council under said act number two hundred fifteen of the public acts of eighteen hundred ninety-five as amended. His salary shall be determined by a two-thirds vote of all the aldermen elect at a regular meeting of the city council.

Salary.

SEC. 6. It shall not be necessary for the city of West Branch to create and constitute a board of public works as provided in the act governing fourth class cities. Board of public works, not necessary to create.

SEC. 7. The city board of review shall consist of the city assessor, and two electors appointed by the mayor, by and with the consent of the council. Board of review.

SEC. 8. The city hall shall be the voting place of all the electors of the various wards, and the electors of each ward shall be furnished with a booth or booths plainly labeled on the outside with the number of the ward where they have their residence, and each elector shall mark his ballot in the booth numbered in correspondence with the number of his ward, and the inspectors of election shall deposit the ballots so marked in ballot boxes provided for each separate ward. Voting places, booths, etc., provision for.

SEC. 9. The board of registration for the entire city of West Branch shall consist of the clerk of said city and two electors thereof, to be appointed by the mayor, by and with the consent of the council, who shall perform all the duties of the several boards of registration provided for in said act number two hundred fifteen. Board of registration.

SEC. 10. Inspectors of election for the city as a whole shall consist of the city assessor and the alderman from each ward whose term of office expires last. Inspectors of election.

SEC. 11. The mayor and aldermen of said city of West Branch shall serve without compensation.

SEC. 12. The supervisors of the several wards shall hold their office for one year and until their successors are duly elected and qualified, and shall be members of the board of supervisors of the county of Ogemaw, and as members of such board they shall be entitled to receive the same compensation from said county as other supervisors for attendance upon said board, and they shall have all the rights, privileges and powers of the other members of the said board of supervisors. Supervisors, term of office, etc.

SEC. 13. All acts or parts of acts relative to the incorporation of the village of West Branch are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved March 9, 1905.

[No. 372.]

AN ACT to authorize the city of Stanton to raise money for building a court house, county jail and sheriff's residence therein, for the county of Montcalm, and to authorize said city to issue bonds and provide for the payment thereof.

The People of the State of Michigan enact:

Bond issue
authorized for
certain
buildings.

Proviso.

Question to be
submitted to
electors.

Bonds, how
negotiated.

Money to be
paid city
treasurer.

When money
to be paid
county
treasurer.

SECTION 1. The city of Stanton shall be, and is hereby, authorized and empowered to borrow money on the faith and credit of said city, and issue bonds therefor, to an amount not exceeding fifty thousand dollars, which shall be expended in the construction of a court house, county jail and sheriff's residence for the county of Montcalm, to be rebuilt in the city of Stanton, by and under the direction of the board of supervisors of said county: Provided, That two-thirds of the electors of said city, voting upon the question of said loan, shall vote for said loan in the manner hereinafter specified and not otherwise.

SEC. 2. The raising of said money by loan shall be submitted by the common council of said city to the electors thereof, and a vote shall be taken, as near as may be in accordance with the provisions of the organic act of said city, the same being entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seven, eighteen hundred ninety-five, and the amendments thereto.

SEC. 3. If such loan shall be authorized by the electors of said city as aforesaid, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times, with such rate of interest not exceeding five per cent per annum, as said city by its common council may direct, and shall be signed by the mayor and countersigned by the clerk of said city, and sealed with the seal of said city and negotiated by or under the direction of the common council of said city; and the moneys arising therefrom shall be appropriated and expended for the purposes aforesaid.

SEC. 4. When such bonds have been negotiated, the money shall be paid to the city treasurer, and by him held as a separate and distinct fund, and the common council of said city may order and direct that such portion thereof as may be necessary, from time to time, to be used in the construction of said court house, county jail and sheriff's residence, be paid by said city treasurer over to the treasurer of said county of Montcalm, to be used for the purposes herein stated, by and under the direction of the board of supervisors of said county. And it shall be the duty of the common council of said city of Stanton to direct that the same be paid over to the county treasurer, in the manner herein provided, upon the request of any building commit-

tee of the board of supervisors of said county, having charge of the construction of said building, at any time after it shall have been definitely determined to rebuild said court house, county jail and sheriff's residence at the city of Stanton.

SEC. 5. The said city of Stanton, by its common council, shall have power and authority to, and it is hereby made the duty of said common council, to raise by tax upon the taxable property of said city such sums as shall be sufficient to pay the amount of said bonds, and the interest thereon, as fast as the same shall become due.

Common
council shall
raise amount
by tax.

This act is ordered to take immediate effect.

Approved March 9, 1905.

[No. 373.]

AN ACT to authorize the township of Ionia, in the county of Ionia, to borrow money upon its bonds for the building of a high water road and bridge across Grand river in that township in conjunction with the city of Ionia.

The People of the State of Michigan enact:

SECTION 1. The township board of the township of Ionia and State of Michigan shall be, and is hereby authorized and empowered to borrow, on the faith and credit of said township, and issue its bonds for the sum of twelve thousand dollars for the building of a high water road and a bridge across Grand river in said township, in conjunction with the city of Ionia on a line known as Cleveland street.

Township au-
thorized to
borrow money
and issue
bonds for
bridge, etc.

SEC. 2. Said twelve thousand dollars shall be due and payable as follows: Two thousand dollars in one year from the date of the issuing of the same and two thousand dollars in two years; two thousand dollars in three years; two thousand dollars in four years; two thousand dollars in five years; and two thousand dollars in six years from the issuing of the same, and which said bonds shall in no case be disposed of for a less sum than their par value, and shall bear interest at a rate not exceeding five per cent per annum, with interest payable annually, and shall be signed by the supervisor and clerk of said township.

Amount, when
due and
payable.

Rate of
interest.

SEC. 3. Said money so realized upon the sale of said bonds shall be used for, and expended in, the building of a bridge across Grand river and the high water road in connection therewith, in conjunction with the city of Ionia on a line known as Cleveland street.

Money, how
expended.

SEC. 4. The township board of Ionia township are hereby duly authorized and empowered to join with the city of Ionia in making any and all necessary contracts for the construc-

Township and
city to join in
making con-
tracts, etc.

tion of a high water road and bridge across Grand river, in conjunction with said city, and apportion the cost thereof as they may agree upon.

This act is ordered to take immediate effect.

Approved March 9, 1905.

[No. 374.]

AN ACT to authorize the electors of the township of Central Lake, Antrim county, to bond said township for the purpose of purchasing ground and building a town hall thereon.

The People of the State of Michigan enact:

Township
authorized to
issue bonds.

SECTION 1. The duly qualified electors of the township of Central Lake, Antrim county, at any general election or special election called for the purpose hereinafter named, are hereby authorized and empowered to bond said township in a sum not to exceed four thousand dollars.

Money, how
used.

SEC. 2. The purposes for which such bonds may be issued shall be to purchase grounds and build a town hall and other suitable buildings connected therewith, for the use and benefit of said township.

What resolu-
tion to state.

SEC. 3. The proposition to bond shall be submitted to a vote of the electors of said township, by a resolution of the township board, distinctly stating the purpose of the expenditure for which said bonds are required, the amount proposed to be raised therefor, the length of time such bonds shall run, the number of, and denomination of each bond and the rate of interest such bonds shall draw; also naming the time when such vote shall be taken. Such resolution shall be published at least twice in a newspaper published in said township, and copies of the resolution be posted in at least six of the most public places in said township at least two weeks before such vote is to be taken. Such vote shall be by ballot, and the contents of the ballot shall be prescribed by the resolution submitting the proposition to the electors.

Manner of
publication.

When bonds
may issue.

SEC. 4. Said township shall not be empowered to bond itself in any sum, excepting such proposition submitted therefor shall be authorized by at least a two-thirds vote of the electors voting upon the question at any annual or special election as aforesaid.

This act is ordered to take immediate effect.

Approved March 9, 1905.

[No. 375.]

AN ACT to provide for three voting precincts in the township of Harris, in the county of Menominee.

The People of the State of Michigan enact:

SECTION 1. The township of Harris, in the county of Me- Precinct No. 1, territory included in.
nominee, shall be divided into three voting precincts, as follows: The northwest quarter, the southwest quarter, the west half of the northeast quarter and the west half of the southeast quarter of section sixteen; sections seventeen, eighteen, nineteen, twenty; the northwest quarter, the southwest quarter, the west half of the northeast quarter and the west half of the southeast quarter of section twenty-one; the northwest quarter, the southwest quarter, the west half of the northeast quarter and the west half of the southeast quarter of section twenty-eight; sections twenty-nine, thirty, thirty-one, thirty-two, and the northwest quarter, the southwest quarter, the west half of the northeast quarter and the west half of the southeast quarter of section thirty-three, all in town thirty-nine north, range twenty-five west; the northwest quarter, the southwest quarter, the west half of the northeast quarter and the west half of the southeast quarter of section four; sections five, six, seven, eight, the northwest quarter, the southwest quarter, the west half of the northeast quarter and the west half of the southeast quarter of section nine; the northwest quarter, the southwest quarter, the west half of the northeast quarter and the west half of the southeast quarter of section sixteen; sections seventeen, eighteen, nineteen, twenty, the northwest quarter, the southwest quarter, the west half of the northeast quarter and the west half of the southeast quarter of section twenty-one; the northwest quarter, the southwest quarter, the west half of the northeast quarter and the west half of the southeast quarter of section twenty-eight; sections twenty-nine, thirty, thirty-one, thirty-two and the northwest quarter, the southwest quarter, the west half of the northeast quarter and the west half of the southeast quarter of section thirty-three, all in town thirty-eight north, range twenty-five west, shall constitute voting precinct number one. Sections fourteen, fifteen, the east half of the northeast quarter and the east half of the southeast quarter of section sixteen; the east half of the northeast quarter and the east half of the southeast quarter of section twenty-one; sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, the east half of the northeast quarter and the east half of the southeast quarter of section twenty-eight; the east half of the northeast quarter and the east half of the southeast quarter of section thirty-three; sections thirty-four, thirty-five and section thir-

Precinct No. 2.

ty-six, all in town thirty-nine north, range twenty-five west; sections one, two, three; the east half of the northeast quarter and the east half of the southeast quarter of section four; the east half of the northeast quarter and the east half of the southeast quarter of section nine; sections ten, eleven, twelve, thirteen, fourteen, fifteen; the east half of the northeast quarter and the east half of the southeast quarter of section sixteen; the east half of the northeast quarter and the east half of the southeast quarter of section twenty-one; sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven; the east half of the northeast quarter and the east half of the southeast quarter of section twenty-eight; the east half of the northeast quarter and the east half of the southeast quarter of section thirty-three; sections thirty-four, thirty-five and thirty-six, all in town thirty-eight north, range twenty-five west, shall constitute voting precinct number two. All of town forty-one north, range twenty-five west; all of town forty north, range twenty-five west; and sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen in town thirty-nine north, range twenty-five west, shall constitute voting precinct number three.

Precinct No. 3.

Polling places,
township
board to
determine.

SEC. 2. The polling places for the electors resident and being in the territory above described respectively, as precincts number one, number two and number three, shall be at such places as the township board of the township of Harris shall determine.

Boards of
registration,
who to
constitute.

SEC. 3. The present officers of the township of Harris, who are by law constituted the boards of registration and election, shall be the boards of registration and election for precincts number one and number two of said township of Harris. The board of registration and election for precinct number three of said township of Harris shall be such persons as shall, for such purpose, be appointed by the township board of the said township of Harris.

Township
board to
supply blanks,
etc.

SEC. 4. It shall be the duty of the township board of the township of Harris to supply the necessary books for registration and election and the necessary blanks for the return thereof, to be used by said registration and election boards.

General laws
to govern
elections.

SEC. 5. The elections in the precincts herein provided for shall be conducted in accordance with the provisions of the general laws for the conduct of elections, and the canvass and return of votes shall be in accordance with the laws governing the canvass and return of votes in the townships having more than one precinct.

This act is ordered to take immediate effect.

Became a law March 7, 1905, without the signature of the Governor.

[No. 376.]

AN ACT to amend the charter of the city of Lansing, being act number four hundred five of the local acts of eighteen hundred ninety-three, approved May twenty-five, eighteen hundred ninety-three, as amended by act number four hundred fifty-three of the local acts of eighteen hundred ninety-five, approved May twenty-eight, eighteen hundred ninety-five; as amended by act number four hundred sixteen of the local acts of eighteen hundred ninety-seven, approved April twenty-eight, eighteen hundred ninety-seven; as amended by act number four hundred forty-eight of the local acts of eighteen hundred ninety-nine, approved June fifteen, eighteen hundred ninety-nine; as amended by act number three hundred seventy-eight of the local acts of nineteen hundred three, approved March thirty, nineteen hundred three; by amending section three in title one; section two in title two; section six in title three; sections eighteen, nineteen and forty-two in title four; section one in title six; sections five and twenty in title eleven; sections seven and eight in title twelve; sections one and three in title eighteen; also by adding three new sections to said title eleven to stand as sections twenty-one, twenty-two and twenty-three.

The People of the State of Michigan enact:

SECTION 1. Act number four hundred five of the local acts of eighteen hundred ninety-three, approved May twenty-five, eighteen hundred ninety-three, as amended by act number four hundred fifty-three, of the local acts of eighteen hundred ninety-five, approved May twenty-eight, eighteen hundred ninety-five; as amended by act number four hundred sixteen of the local acts of eighteen hundred ninety-seven, approved April twenty-eight, eighteen hundred ninety-seven; as amended by act number four hundred forty-eight of the local acts of eighteen hundred ninety-nine approved June fifteen eighteen hundred ninety-nine; as amended by act number three hundred seventy-eight of the local acts of nineteen hundred three, approved March thirty, nineteen hundred three, is hereby amended, so that section three in title one; section two in title two; section six in title three; sections eighteen, nineteen and forty-two in title four; section one in title six; sections five and twenty in title eleven; sections seven and eight in title twelve; and sections one and three in title eighteen; also by adding three new sections to said title eleven to stand as sections twenty-one, twenty-two and twenty-three, so as to read as follows:

Act amended.

Sections added.

TITLE I.

Division into wards.
First. SEC. 3. Said city shall be divided into six wards, as follows: The first ward shall consist of all that part of said city north of the south line of sections nine and ten in town four north, range two west, and east and north of Grand river; the second ward shall consist of all that part of said city south of the center line of Shiawassee street, continued to the western line of the city, to the center line of Washtenaw street so continued, and west of Grand river; the third ward shall consist of all that part of said city lying south of the center line of Washtenaw street, continued to the western line of the city, and west of the center line of Washington avenue and north of Grand river; the fourth ward shall consist of all that part of said city north of the second ward, west and south of Grand river; the fifth ward shall consist of all that part of said city lying south of the first ward and east of Grand river, and north of the center line of Main street, continued to the east line of the city; the sixth ward shall consist of all that territory lying south of the center line of Washtenaw street and east of the center line of Washington avenue, and west of Grand river, and all that part of said city lying south of Grand river and of the fifth ward.

Second.
Third.
Fourth.
Fifth.
Sixth.

TITLE II.

Where electors to vote. SEC. 2. Every elector shall vote in the ward where he shall have resided during the twenty days next preceding the day of election. The residence of any elector not being a householder, shall be deemed to be in the ward in which is located his regular place of lodging.

TITLE III.

Officers, when elected. SEC. 6. At the annual election to be held in said city in the year nineteen hundred five, and at each second annual election thereafter, there shall be elected on the city ticket, one clerk and one constable, who shall hold their offices for two years, and also at said annual election to be held in said city, in the year nineteen hundred five, there shall be elected on said city ticket, one treasurer and one constable, who shall hold their offices for one year, and at the annual election to be held in said city in the year nineteen hundred six, and at each second annual election thereafter, there shall be elected on the city ticket, one treasurer, one constable and a mayor, who shall hold their offices for two years, but

at the annual election to be held in nineteen hundred six and thereafter, no person shall be eligible for the office of city treasurer for two consecutive terms; at each annual election hereafter to be held in said city, one city assessor for the term of three years, who shall enter upon the duties of his office on the first day of September next following his election. In each ward at the annual election, there shall be elected one member of the school board and one alderman, who shall hold office for two years. At the annual election to be held in the year nineteen hundred seven, and at each fourth annual election thereafter, there shall be elected in said city on the city ticket, one justice of the peace, who shall hold his office for four years. Each of said officers so elected, shall hold his office for the term for which he was elected and until his successor is elected and qualified. Term of office.

TITLE IV.

SEC. 18. The common council shall have power within said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, resolutions and regulations as they may deem advisable within said city for the following purposes: Council may make, amend and repeal ordinances, etc.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots, to preserve peace and good order, and to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto or for unlawful interference therewith; Vice, disturbances.

Second, To apprehend and punish vagrants, drunkards, disorderly persons and common prostitutes; Vagrants.

Third, To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same; and generally to determine and declare what shall be deemed nuisances; Nuisances, etc.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses and all places where persons resort for gaming, or to play at games of chance, and to punish the keepers thereof; Disorderly houses.

Fifth, To regulate, license or prohibit and suppress billiard tables, nine or ten pin alleys or tables and ball alleys, and to punish the keepers thereof; Billiards, etc.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming; Gaming.

- Intoxicating liquors.** Seventh, To regulate and suppress ale, beer and porter houses, and all places of resort for tipping and intemperance, and to punish the keepers thereof and all persons assisting in carrying on the business thereof, and to require all such places to be closed on the Sabbath and upon each other day during such hours of every night as the council shall prescribe, and shall have power by ordinance to limit the number of saloons or other places, except drug stores, where any spirituous, malt, brewed, fermented, vinous or intoxicating liquors are sold in said city, to any number not less than one of such saloons or places for every one thousand inhabitants of said city or major fraction thereof, as shown by the last state or national census;
- Limit number of saloons.**
- Drunkards.** Eighth, To prohibit and prevent the selling or giving away of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing;
- Sports, shows.** Ninth, To regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name or nature for which money or other reward is in any manner demanded or received, lectures on historic, literary, moral or scientific subjects excepted;
- Violations of Sabbath.** Tenth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose and to require all places of business to be closed on the Sabbath day;
- Auctions and auctioneers.** Eleventh, To license auctioneers and regulate sales at auction, to regulate or prohibit the ringing of bells or the use of any other device to attract public attention for any auction sale; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property or anything at auction or by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales or dutch auctions, and to license the same and to regulate the fees to be paid by and to auctioneers, but no license shall be required in cases of sales required by law to be made at auction or public vendue;
- Pawnbrokers.** Twelfth, To license and regulate pawnbrokers, junk dealers, dealers in second hand goods and merchandise and transient tradesmen, the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device, in the streets or highways. Whoever loans money on deposit or pledges of personal property, or who purchases personal property or choses in action, on condition of selling the same back again at a stipulated price, is hereby defined and declared
- Defined.**

to be a pawnbroker. To license and regulate employment agencies and officers, intelligence offices, labor bureaus, and all persons whose business it is to find employment for others for hire or reward, to require references and bonds to be given by every person, company, corporation or association engaging in such business, before the same shall be licensed, in order that the public and persons dealing with such offices and agencies may be protected; to license and regulate bill posting, the putting up of advertising signs or matter, and the distributing of such matter in the city;

Employment agencies, etc.

Bill posting.

Thirteenth, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

Pounds.

Fourteenth, To regulate, license, or prohibit the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets;

Dogs.

Fifteenth, To prohibit any person from bringing and depositing within the limits of said city any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction thereof. If any person shall have on his premises such substances, or any putrid meats, fish, hides, or skins of any kind, and on his failure to remove the same, to authorize the removal or destruction thereof by some officer of the city;

Unwholesome substances, putrid meats.

Sixteenth, To regulate and license all taverns and houses of public entertainment, all saloons, restaurants and eating houses;

Saloons.

Seventeenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city;

Vehicles.

Eighteenth, To provide for and regulate the inspection and sale of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions; to regulate the fees to be paid by butchers for licenses: Provided, That nothing herein contained shall authorize the common council to restrict the sale of fresh and wholesome meats by the quarter within the limits of the city;

Inspection of provisions.

Nineteenth, To regulate the inspection, weighing and measuring of brick and lumber, firewood, coal, hay, and any article of merchandise;

Lumber, coal, etc.

Twentieth, To provide for the inspection and sealing of weights and measures;

Weights and measures.

Twenty-first, To enforce the keeping and use of proper weights and measures by venders;

Weights and measures by venders.

Twenty-second, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;

Vaults, etc.

Twenty-third, To prohibit and prevent in the streets or elsewhere in said city, indecent exposure of the person, the

Indecency.



show, sale or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;

Bathing.

Twenty-fourth, To regulate or prohibit bathing in the rivers, ponds and streams in the city;

Filth, etc., in streams.

Twenty-fifth, To provide for cleaning the rivers, ponds and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filthy or other matter tending to render the water thereof impure, unwholesome and offensive; to fill up all low grounds or lots covered, or partially covered, with water, or to drain the same, as they may deem expedient;

Unwholesome places.

Twenty-sixth, To compel the owner or occupant of any grocery, tallow chandler's shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer or other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;

Explosives, firearms, etc.

Twenty-seventh, To regulate and prohibit the buying, selling and using of gunpowder, toy pistols, blank cartridges, giant crackers, fire crackers, cannon crackers, dynamite crackers, torpedoes, fireworks and all other combustible or explosive materials and the exhibition of fireworks and the discharge of firearms, and to restrain the making or lighting of fires and the firing, setting off or explosion of gunpowder, fire crackers, fireworks and all other combustible or explosive materials, and to prohibit all practices, amusements and doings in the streets and other public places in said city, having a tendency to frighten teams or horses, or dangerous to life or property, and to punish persons indulging therein;

Cellars, drains.

Twenty-eighth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;

Mock auctions, fraudulent games.

Twenty-ninth, To prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof;

Lotteries.

Thirtieth, To prohibit, prevent, and suppress all lotteries for the drawing or disposing of money or any other property whatever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, directing or managing the same;

Licenses.

Thirty-first, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat

or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Thirty-second, To provide for the protection and care of paupers and to prohibit and prevent all persons from bringing to the city from any other place any pauper or other person likely to become a charge upon said city, and to punish therefor;

Thirty-third, To provide for taking a census of the inhabitants of the city whenever the council shall see fit, and to direct and regulate the same;

Thirty-fourth, And further, the council shall have authority to enact all ordinances, and to make all such regulations consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons or any corporation for any purpose whatever;

Thirty-fifth, And further, the council shall have authority to require all thistles, burdocks, yellow docks and other objectionable weeds, found growing on any public or private property within the city limits, to be destroyed. But before entering upon any private property for the purpose of destroying the weeds mentioned herein, the council shall cause a notice, written or printed, or partly written and partly printed, to be served on the owner or occupant of said property, requiring their destruction within five days after service of such notice. If no service of such notice can be had upon the owner or occupant, then it shall be sufficient to post the same in some conspicuous place on the premises, and the cost of removing such weeds shall be paid from the city treasury and the same assessed against the property in the next general assessment roll of the city;

Thirty-sixth, And further, the council shall have authority to license telegraph and telephone companies to erect poles in the streets and public places, and place necessary wire thereon, and to charge reasonable compensation therefor.

SEC. 19. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council

Paupers.

Census

May enact any necessary ordinances for safety, good government, etc., of city.

May require thistles, etc., destroyed.

Notice, first required.

When notice may be posted.

License of telegraph and telephone companies.

May prescribe conditions, etc., of licenses.

Licenses
revocable

may prescribe. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. All bonds required by this section and all bonds of persons engaged in the sale of any spirituous, malt, brewed, fermented, vinous or intoxicating liquors in said city of Lansing, except druggists, as required by section eight of chapter one hundred thirty-eight, the same being compiler's section number five thousand three hundred eighty-six, of the compiled laws of the State of Michigan of eighteen hundred ninety-seven, may be executed by the principal, together with a surety company qualified to act as surety or guarantor, as provided by law in other cases.

Bonds, may
be executed
by surety
companies.

May maintain
and extend
water works
and light
system.

Board of
water works,
etc., when
mayor to
appoint new
members of.

Term of office.

Of whom to
consist.

Proviso.

SEC. 42. The common council may maintain and extend from time to time, as necessity may require, the water-works and electric light plant heretofore established in said city, and shall have such power and authority with reference to supplying such city and the inhabitants thereof with water and with light as is or may be provided by law. The board of water-works and electric lighting, heretofore constituted and appointed under the ordinance of the said city, passed July twelve, eighteen hundred ninety-two, is hereby continued until such time as the term of office of the members constituting said board shall expire respectively, and at the expiration of the term of office of each of such members the mayor, by and with the consent of the common council, shall appoint a member of said board, who shall be a qualified elector of the said city, and who shall be a freeholder, to membership in said board for the term of six years and until his successor shall be appointed and qualified; said board shall consist of one member from each ward, not more than three of whom shall belong to the same political party, and shall have charge of the water-works and electric lighting works of the said city, with all the powers and duties as the common council shall from time to time by ordinance prescribe: Provided, That any indebtedness incurred under this section shall be subject to the limitations prescribed by section fourteen of title thirteen of this act.

TITLE VI.

Police and fire
commission.
council shall
appoint.

SECTION 1. The common council shall appoint, on the first Monday in May in the year eighteen hundred ninety-three, or as soon thereafter as may be, six suitable persons, electors of the city of Lansing, one from each ward, not more than three of whom shall belong to the same political party,

who shall constitute a board of police and fire commissioners for said city; two of whom shall be appointed for one year, two for two years, and two for three years, and thereafter two shall in like manner be appointed annually to hold their offices for the term of three years, on the first Monday in May in the year nineteen hundred five and thereafter such appointment shall be made by the mayor, by and with the consent of the common council. Said board, or a majority of them, shall have full power to try and determine all complaints against the marshal, or any policeman or watchman of the city, against the fire wardens, chief engineer, assistant engineer, and all other persons employed in the fire department of said city, and to remove them or any of them summarily, or on conviction for insubordination, neglect of duty, or violation of any ordinance, rules or regulations or violation of any law of this State or city. The city clerk shall be clerk of said board, and shall keep its records. Said commissioners shall receive no compensation, and they may be removed for the same causes and upon the same proceedings as a member of the common council. In case any vacancy occurs, the mayor shall in the same manner appoint some person to fill the unexpired portion of the term.

When mayor may appoint.

Power of board.

City clerk to be clerk of. Compensation.

Vacancy, how filled.

TITLE XI.

SEC. 5. Whenever the common council shall determine that the whole or any part of the expenses of the public improvement shall be defrayed by an assessment on the owners, or occupants of houses and lands to be benefited thereby, they shall declare the same by an entry in their minutes, and after ascertaining, as they may think proper, the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole, or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such improvement; the costs and expenses of making the estimates, plans and assessments incidental thereto shall be included in the estimated expense of such improvement: Provided, That in case of grading any street either a majority of the residents of said city owning property or the owners of lands having a major portion of the frontage on any such street, or the portion of the street to be so graded, shall petition for such grade. If, after the survey and estimate of the expenses of said grade shall have been made, and before a contract is entered into by said city for the grading of any such street, a majority of such property owners and the owners of a major portion of the frontage on such street shall remonstrate against said grade and pay the expenses of the survey and its estimates, such grade shall not be made unless petitioned for again,

Assessment for improvements, how declared.

Proviso, as to grading streets.

Remonstrance.

and then not until after one year from said first petition.

Platting of
lands, etc., to
be approved
by council.

Streets and
alleys, how
graded.

Proprietor to
file survey,
etc.

When plat
may be re-
corded with
register of
deeds.

City not re-
sponsible for
care, etc., of
such streets.

Title of
street, etc.

When council
may institute
new proceed-
ings for com-
pleting public
improvement,
etc.; for
levying and
collecting
assessment,
etc.

SEC. 20. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys within said city, except by permission and approval of the common council by resolution passed for that purpose; nor until such streets and alleys shall have been graded according to the plans and specifications of the city engineer of said city, approved by the common council by resolution adopted for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and the subdivisions thereof, platted and subdivided, as approved by the common council and made to their satisfaction, showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of the register of deeds, until a certificate has been indorsed thereon by the city clerk under the seal of the city, showing that such plat and dedication has been approved by the council; nor shall the city by reason of such approval, be responsible for the improvement, care and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinance or resolution, as in this act provided.

SEC. 21. No title shall be gained as against the said city of Lansing to any street, lane, alley, common, public square or other public property in said city, or any part thereof, by reason of lapse of time, encroachment, enclosure or adverse possession of the same.

SEC. 22. In all cases which have heretofore arisen, or may hereafter arise, where any public improvement upon any street, or the construction of any public sewer, has been commenced under color of any authority from the common council, and the same shall have failed of completion because of any incurable legal defect in any of the proceedings taken in the inception or prosecution of such public improvement, or in the inception or prosecution of the construction of such public sewer, which defect invalidates the whole proceedings in relation thereto; or because of any such defect any levy on, or distress of, property to collect an assessment made for the purpose of defraying the expense of such public improvement, or the expense of the construction of such public sewer, shall be set aside and adjudged void by a court, and judgment shall be rendered against the city, requiring money to be paid by said city at large, the common council shall have full power, and it shall be its duty, to institute new proceedings for the purpose of completing such public improvement, or such public sewer, and for levying and collecting all necessary assessments for the purpose of defraying the expenses thereof and of all moneys legally paid or required to be paid, by said city at large in relation thereto.

SEC. 23. Such proceedings shall be instituted and prosecuted in relation to such public improvement, or such public sewer, in the same manner as if no proceedings had previously been instituted for the same purpose, and all expense of and incident to said assessments shall be assessed upon that portion of said city which the common council may deem benefited by such public improvement or public sewer; and out of the money collected from such assessments, the city shall reimburse itself on account of the money paid, or required to be paid by the city at large, mentioned in the preceding section: Provided, That in any such subsequent assessment all persons who shall have paid any previous assessment for the same public improvement or public sewer, and such assessment shall not have been refunded by the city, or judgment obtained against the city on account of the same, shall be credited therefor upon such subsequent assessment.

Subsequent proceedings to be instituted as in original action.

City reimbursed out of money collected.

Proviso.

TITLE XII.

SEC. 7. The city assessors shall make and complete tax rolls of the several wards of the city, and shall carry out in appropriate columns opposite the several descriptions of land in each ward, the amount due from each such description of land for all taxes assessed for the year, except State, county and school taxes, and shall deliver the same to the city treasurer on or before the third Monday in July of each year, with their warrant attached to each of said assessment rolls, under their hands, commanding the treasurer to collect within ninety days, from the several persons named in said rolls, the several sums mentioned in the last column of said rolls opposite their respective names, and pay the same into the city treasury to the credit of the several funds for which the assessments are made. And the said warrant shall authorize the city treasurer, in case any person named in the assessment rolls shall neglect or refuse to pay his tax, to levy the same by distress and sale of goods and chattels of such person. And when such tax rolls are delivered to the city treasurer, as aforesaid, he may notify the taxpayers of the city by publishing such notification in one or more of the newspapers published in the city for at least five days, and after such notification it shall be the duty of each and every person against whom taxes are assessed to pay the same at the office of said city treasurer.

City assessors, duties of.

Roll to whom delivered.

When treasurer may levy by distress, etc.

Notice of taxes due.

SEC. 8. The taxes so levied for city and ward purposes shall be and remain a lien upon the property on which the same was levied from and after the third Monday in July, in like cases, and to the same extent, as taxes, required by law to be levied on property in the several townships in this

Taxes to be a lien.

When treasurer to return list of.

Penalty for delinquent taxes.

State are liens upon property, and on the first Monday of November after the expiration of the time named for the collection of such taxes in the preceding section, the city treasurer shall return a list of all such unpaid taxes to the common council, and the common council shall direct the city assessors to carry into the next assessment roll for State, county and school purposes, all such delinquent taxes so returned, with a penalty of ten cents for each dollar of the sum total of taxes assessed to each particular description of land, and of each assessment of personal property which penalty shall be carried out opposite to each such particular description of land or of personalty in a column provided for that purpose, and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes except as herein otherwise provided.

TITLE XVIII.

Appropriation of private property, for what purposes.

How council may purchase.

Expense of certain improvements, how defrayed.

Council to determine.

SECTION 1. Private property may be appropriated for public use for the purpose of opening, widening, altering, vacating and extending streets, alleys and avenues; for public grounds, parks, market places and spaces; for public buildings, jails, hospitals, pest houses and public cemeteries; for water-works, sewers, drains and ditches; for buildings and structures for the fire department, and for the improvement of water courses and rivers, and all other public needs, and whenever private property or any right, title or interest therein is required or necessary for the maintenance or construction of such public improvement or purpose, the common council shall have authority to obtain the same from the owner by purchase; but such property shall not be taken therefor without the consent of the owner, except with the concurrence of two-thirds of all the aldermen elect, and in the manner hereinafter provided.

SEC. 3. If the proposed improvement shall be the opening, widening, altering, extending or vacating of a street, alley or avenue, or the construction of any sewer, drain or ditch, the expense of the taking of private property therefor, including the cost of the proceedings, and the compensation and damages to be paid, as hereinafter provided, shall be defrayed in whole or in part as the council may determine, by a special assessment upon the lands and premises specially benefited by such improvement in proportion to the special benefits accruing to each parcel, providing, that in opening, widening, altering, extending or vacating a public alley, the whole of such expense shall be so defrayed, and in such case the council shall, in such resolution, determine and describe a local tax district, embracing all the lands and

premises which, in the opinion of the council, will be specially benefited as aforesaid; and shall determine the percentage of the expense aforesaid; to be defrayed by special assessment on the lands and premises in said tax district; and the said notice of the meeting of the council for the hearing of objections as provided in section two, shall contain a general description of said tax district, and a statement of the percentage of the said expense to be defrayed in the manner aforesaid, as determined by the council.

Special
assessment.

Notice of
meeting, what
to contain.

SEC. 11. All officers heretofore elected or appointed shall continue to hold their respective offices until their term shall have expired, all taxes and assessments, general or special, heretofore levied or assessed against any property in said city may be collected and enforced and any proceedings or thing heretofore commenced or taken shall continue to be as valid and may be completed the same as though these amendments were not made.

Officers to
complete term

Taxes, etc.,
may be col-
lected and
enforced.

This act is ordered to take immediate effect.

Approved March 9, 1905.

[No. 377.]

AN ACT to incorporate a city in the county of Gratiot, to be known and designated as the city of Alma, and to define its boundaries and powers.

The People of the State of Michigan enact:

SECTION 1. All the territory, and including the village of Alma as now incorporated, within the following described boundaries, to-wit: Commencing eighty rods east of the southeast corner of the northeast one-quarter of section three, in township number eleven north, range three west, Michigan; thence directly north to a point directly east of the northeast corner of the southeast one-quarter of section thirty-four, in township number twelve north, range three west, Michigan; thence west to the northwest corner of the southeast one-quarter of section thirty-three, in township number twelve north, range three west, Michigan; thence south on the quarter line to the southwest corner of the northeast one-quarter of section four, in township number eleven north, range three west, Michigan; thence east to the place of beginning, shall hereafter be a city of the fourth class, known and designated as the city of Alma, and the boundary lines of the said city of Alma shall be and are the boundary lines herein in this section specified.

Territory
included.

SEC. 2. The city of Alma shall be divided into four wards, known and designated as wards numbered one, two, three

Division into
wards.

and four, each of said wards embracing the following described territory within said city of Alma, to-wit:

Ward number
one.

Ward numbered one: Commencing at the southwest corner of the southeast one-quarter of the southwest one-quarter of section thirty-four, in township number twelve north, range three west, Michigan; thence east to the east corporation line; thence north on said corporation line to the north corporation line; thence west on said north corporation line to the northwest corner of the northeast one-quarter of the southwest one-quarter of section thirty-four, aforesaid; thence south to the place of beginning.

Two.

Ward numbered two: Commencing at the northwest corner of the northeast one-quarter of the northwest one-quarter of section three, in township number eleven north, range three west, Michigan; thence east to the east corporation line; thence south on said corporation line to the south corporation line; thence west on the said south corporation line to the southwest corner of the southeast one-quarter of the northwest one-quarter of section three, aforesaid; thence north to place of beginning.

Three.

Ward numbered three: Commencing at the northeast corner of the northwest one-quarter of the northwest one-quarter of section three, in township number eleven north, range three west, Michigan; thence west to the west corporation line; thence south on said corporation line to the south corporation line; thence east on said south corporation line, to the southeast corner of the southwest one-quarter of the northwest one-quarter of section three, aforesaid; thence north to place of beginning.

Four.

Ward numbered four: Commencing at the southeast corner of the southwest one-quarter of the southwest one-quarter of section thirty-four, township number twelve north, range three west, Michigan; thence west to the west corporation line; thence north on said corporation line to the north corporation line, thence east on said north corporation line to the northeast corner of the northwest one-quarter of the southwest one-quarter, of section thirty-four, aforesaid; thence south to place of beginning.

Copies of act,
where filed.

SEC. 3. A copy of this act shall be transmitted to and filed and recorded in the office of the Secretary of State and a like copy shall be forwarded to and filed and recorded in the office of the county clerk of Gratiot county; and judicial notice shall be taken in all courts and proceedings in this State of the change of the village of Alma, from its former organization, which shall by this act be dissolved and merged into the incorporation of the city of Alma, as a city of the fourth class under this act; that all persons and property within the boundaries of the said city of Alma, as defined in section one hereof, shall be subject to and amenable to the laws governing the said city of Alma, as herein in this act incorporated.

Judicial notice
of organization
to be taken in
all courts.

Persons and
property sub-
ject to laws
of city.

SEC. 4. All ordinances, rules and regulations, in force in the village of Alma, at the time this act shall take effect, and not inconsistent with the provisions thereof or of the laws governing the said city of Alma, shall continue in full force and effect until repealed or amended by the city council, and shall stand for and be known as the ordinances, rules and regulations of the city of Alma.

Certain laws etc., of village to remain in force.

SEC. 5. At the time this act shall take effect all rights and property of every kind and description, which are vested in the village of Alma, shall be deemed and held to be vested in the city of Alma, as herein incorporated, and no rights or liabilities, either in favor of or against the former village of Alma, and no suit or prosecution of any kind shall be in any manner affected by such change; but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former village of Alma shall be deemed to be the debts and liabilities of the city of Alma, and all improvements of every kind and description, commenced or to be commenced by the former village of Alma, shall stand for and be continued by the city of Alma, in all respects as if the same had been commenced by the said city of Alma; and any and all special assessments to be spread and levied by the former village of Alma, upon the property benefited and to be benefited by such special improvements, and all the acts and proceedings of the said former village of Alma, in relation thereto, shall stand for and be the acts of the said city of Alma, in the continuation by the said city of Alma of such improvements, and any and all special assessments which were to be spread at large upon the former village of Alma, shall be spread at large upon the city of Alma, as herein in this act incorporated; all taxes levied and uncollected by the village of Alma, or by the townships of Arcada and Pine River, in Gratiot county, from which a portion of the territory of the city of Alma is taken at the time of its incorporation, shall be collected the same as if no change had taken place.

Rights and property vested in city.

Rights and liabilities not affected.

Improvements, etc., to be continued.

Special assessments to stand.

Taxes levied, of townships and village to be collected.

SEC. 6. The city of Alma shall be a body politic and corporate under and by the name of the "City of Alma," and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property, have a corporate seal which shall contain the words, "City of Alma, Michigan. Incorporated. Seal." and said city of Alma shall exercise all the powers in this act conferred.

City, a body politic and corporate.

Corporate seal of.

SEC. 7. After this act shall take effect, and until the city officers and members of the council first elected by the said city of Alma, at its first election, shall have qualified and entered upon the duties of their respective offices, the government and affairs of said city shall continue under the old village officers who shall remain in office and continue to exercise their powers and duties.

Village officers, to govern for a time.

First election. SEC. 8. The first election in the city of Alma, shall be held on the first Monday in April, next after this act takes effect: Provided, There shall be sufficient time to make a registration of the electors of the several wards of said city, and to give the notice of election required by act two hundred fifteen, of the public acts of eighteen hundred ninety-five, and if not sufficient time so as to hold said first election at the time aforesaid, then the council may appoint a day for the holding of a special election, upon giving like notice as required by said act in this section mentioned, for the holding of such elections.

Certain act to govern. SEC. 9. The said city of Alma, shall in all things not herein otherwise mentioned, be governed by the powers and duties defined and limited by an act entitled "An act to provide for the incorporation of cities of the fourth class," the same being act number two hundred fifteen of the public acts of eighteen hundred ninety-five, being chapter eighty-eight of the compiled laws of eighteen hundred ninety-seven:

Provido. Provided, however, That chapter twenty-eight of said act two hundred fifteen of the public acts of eighteen hundred ninety-five, shall not apply to the city of Alma, and that no board of public works shall be appointed therein: Provided, further, That chapter thirty-two of act two hundred fifteen aforesaid shall not apply to the said city of Alma, and that nothing in this act contained shall affect the boundaries of the school district known and designated as "Fractional School District No. 1, of Arcada and Pine River," that being the school district to which the schools of the city of Alma belong, and that said school district shall continue to be governed by the general laws of the State governing graded school districts.

Further proviso as to certain school district.

This act is ordered to take immediate effect.

Approved March 11, 1905.

[No. 378.]

AN ACT to repeal act number three hundred thirty-six of the local acts of nineteen hundred three, entitled "An act to divide the township of Crystal Falls, Iron county, Michigan, into two election districts, and to provide for conducting elections therein."

The People of the State of Michigan enact:

Act repealed.

SECTION 1. Act number three hundred thirty-six of the local acts of nineteen hundred three, entitled "An act to divide the township of Crystal Falls, Iron county, Michigan,

into two election districts and to provide for conducting elections therein," is hereby repealed.

This act is ordered to take immediate effect.

Approved March 15, 1905.

[No. 379.]

AN ACT to incorporate the village of Owendale in the county of Huron, Michigan.

The People of the State of Michigan enact:

SECTION 1. All that territory situate and being in the township of Brookfield in the county of Huron, and State of Michigan, described as follows, to-wit: The south quarter of section eleven and the north three-quarters of section fourteen, all in township fifteen north, range ten east, Huron county, Michigan, is hereby incorporated as the village of Owendale.

Territory included.

SEC. 2. Warren D. Hinkley, Frederick L. Palmer and Charles E. Lee are hereby constituted a board of registration, a board of election inspectors and election commissioners for the first election to be held in said village, and the said board of registration is hereby required to meet at the Orange Hall in said village on the Saturday next preceding said election, and remain in session from nine o'clock in the forenoon until five o'clock in the afternoon and register all persons presenting themselves for registration, having the qualifications of voters at annual township meetings and residing within said village.

First board of registration, etc., who to constitute.

Where and when to meet.

SEC. 3. The first election of officers of said village of Owendale shall be held on the thirteenth day of March, one thousand nine hundred five, at the said Orange Hall in said village, and at such election the polls shall be opened at nine o'clock in the forenoon and shall be closed at five o'clock in the afternoon.

First election.

SEC. 4. The said board of registration and the said board of election inspectors and election commissioners shall give public notice of the time and place of meeting of said board of registration and of the time and place of holding said election at least one week immediately preceding the same, by posting notices of the same, signed by said persons, in three public places in said village.

Notice of election.

SEC. 5. That said village of Owendale shall in all things not herein otherwise provided; be governed by an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and

Certain act to govern village.

duties," approved February twentieth, one thousand eight hundred ninety-five.

When special election may be held.

SEC. 6. In case the officers of said village are not elected at the time designated in section three of this act, an election for officers may be held within thirty days after the time so designated, by giving the notices as provided in this act.

This act is ordered to take immediate effect.

Approved March 15, 1905.

[No. 380.]

AN ACT to empower and authorize the board of supervisors of Iosco county to purchase certain lands of the Iosco County Agricultural Society and others, for an agricultural county park, and authorizing Iosco County Agricultural Society to sell and convey certain lands for the purpose of paying its debts.

The People of the State of Michigan enact:

Board of supervisors authorized to appropriate an amount for purchase of certain lands.

SECTION 1. It shall and may be lawful for the board of supervisors of the county of Iosco to ascertain upon what terms and conditions the land and real estate owned by the Iosco County Agricultural Society, and hereinafter described, can be purchased; and said board of supervisors are hereby authorized and empowered to appropriate from the contingent fund of said county a sum not to exceed twelve hundred dollars, to purchase and acquire the title to such land; and the said board of supervisors are hereby authorized and empowered to purchase and acquire the title to the following described lands, situated in the county of Iosco and State of Michigan, and described as follows, to-wit: Commencing at the corner of sections nineteen, twenty, twenty-nine and thirty, in town twenty-two north, of range eight east; and running from thence west on the section line, between sections nineteen and thirty, nine hundred seventy-eight feet to a point where the east line of River street intersects the section line in Newman's addition to the village of East Tawas; from thence north thirty-six and one-half degrees east, along the easterly line of River street, four hundred four feet to the south line of Lincoln street; from thence easterly, along the south line of Lincoln street, two hundred thirty-eight feet from the east, and parallel to the section line between sections nineteen and thirty, five hundred seventy-six feet to the west line of Pearl street; from thence, on a true circle of a diameter of five hundred ninety-six feet, to the north line of State street, distance of circle three hundred fifty-six feet; from thence south, eleven and

Description of territory.

one-half degrees east, one hundred forty-eight feet to section line between sections twenty and twenty-nine; from thence west, on the section line between sections twenty and twenty-nine, three hundred forty-two feet to the corner of sections nineteen, twenty, twenty-nine and thirty; comprising a part of blocks one, seven, eight, nine and entire block ten, of Newman's addition to the village of East Tawas, containing eight and sixty-nine one-hundredths acres of land and located in the southeast quarter of the southeast quarter of section nineteen, and the southwest quarter of southwest quarter of section twenty, town twenty-two north, of range eight east; also, commencing at the section corner of sections nineteen, twenty, twenty-nine and thirty, in town twenty-two north, of range eight east, running west on the section line between nineteen and thirty, nine hundred seventy-eight feet to a post where the east line of River street intersects the section line between said sections nineteen and thirty, in Newman's addition to East Tawas; from thence south along the east line of Sheffeler and Company's addition to the village of Tawas City, three hundred feet; from thence east and parallel to the section line between sections nineteen and thirty, nine hundred seventy-eight feet to the section line between sections twenty-nine and thirty; thence north on the section line between sections twenty-nine and thirty, three hundred feet to the corner of sections nineteen, twenty, twenty-nine and thirty, the place of beginning; being a piece of land nine hundred seventy-eight feet long, east and west, and three hundred feet north and south, from the north end of lot one, section thirty, town twenty-two north, of range eight east, containing six and seventy-six one-hundredths acres; also entire block eleven of F. Sheffeler and Company's addition to the village of East Tawas; also entire block thirteen and so much of block twelve of F. Sheffeler and Company's addition to the village of East Tawas, enclosed by the Iosco County Agricultural Society; the line of the Agricultural Society's enclosure being described as follows: Commencing at a point three hundred and five-tenths feet southerly from the northwest corner of section twenty-nine, in town twenty-two north, of range eight east, said line running at an angle of ninety-one degrees and fifty-four minutes with the north line of said section; running thence easterly at an angle with the west line of said section twenty-nine, of eighty-five degrees, three hundred fifty-three and forty-five one-hundredths feet to a point distant from the north section line of said section twenty-nine, two hundred ninety-nine and seventy-five one-hundredths feet, said line forming an angle with the said north line of section twenty-nine of ninety degrees, the intersection of last line with the north section line being three hundred forty-two and ninety-five one-hundredths feet from the northwest corner of said section. The title to the land so purchased shall be in the county of Iosco, and said

Title, where
vested, etc.

land shall be used as an agricultural county park, and for such other uses and purposes, and on such terms as the said board of supervisors shall by resolution approve, and from time to time determine.

Agricultural
society
authorized
to sell real
estate.

SEC. 2. The Iosco County Agricultural Society is hereby authorized and empowered to sell and convey its real estate to Iosco county for the purpose of raising money to pay its debts. Said sale shall be determined at a meeting of the members of the said Iosco County Agricultural Society, as they may deem for the best interests of said society. Said sale and conveyance shall be in conformity with the provisions of section three of this act.

Special
meeting of,
how called.

SEC. 3. Whenever the executive board of the said Iosco County Agricultural Society shall, by resolution duly adopted, declare that a special meeting of the members of said society shall be held for the purpose of considering the question of the sale of said society's real estate, the secretary of the society shall issue a call for such special meeting of the members of the society, which call shall be countersigned by the president of the society, and shall contain a copy of the resolution adopted by the executive board relative thereto; and it shall be the duty of the secretary to mail to each of the members of said society a copy of said call, and publish the same at least once a week for two successive weeks prior to the date for which such meeting is called, in some newspaper printed and published in Iosco county. And if at such members' meeting, held in pursuance of the beforementioned call, a majority of the members present shall vote therefor, it shall be competent and valid for the president and secretary of said society to sell and convey the land and real estate of said society to Iosco county at such price as shall be determined by said society and not otherwise.

Duty of
secretary.

When presi-
dent and
secretary may
sell land.

How moneys
used.

SEC. 4. The moneys received by the president and secretary of said society, as the purchase price of said society's lands, shall be used in paying the indebtedness of said society and for no other purpose.

How society
may re-
purchase
lands.

SEC. 5. If at any time said society shall desire to repurchase said lands from the county of Iosco, they may do so upon paying to the said county of Iosco any and all sums of money that may have been expended upon said grounds by said Iosco county, either in the purchase or improvement of the same, together with interest on all such sums at the rate of six per cent per annum. The question of the repurchase, as herein provided for, shall be submitted to the members of the said society in the manner provided for in section three of this act.

This act is ordered to take immediate effect.

Approved March 15, 1905.

[No. 381.]

AN ACT to authorize the township board of the township of Helena, county of Antrim, to issue the bonds of said township to the amount of three thousand dollars, for the purpose of paying for the building of an iron swing bridge across Clam river in said township, and to levy taxes sufficient for the payment of the same and the interest thereon.

The People of the State of Michigan enact:

SECTION 1. The township board of the township of Helena, in the county of Antrim, is hereby authorized to issue the negotiable coupon bonds of said township to the amount of three thousand dollars, for the purpose of providing funds to pay for the building of an iron swing bridge across Clam river in said township. Said bonds shall be designated as "Bridge Bonds;" shall become due and payable, in annual payments of three hundred dollars each, with interest thereon at a rate not exceeding six per cent per annum, payable annually, and shall be in such form and of such denominations, and issued in such manner, as said township board by resolution may direct; and when issued and delivered for value, shall be valid obligations of said township.

Township
authorized to
issue bonds
for building
swing bridge.

How
designated.
When due
and payable.

SEC. 2. When said bonds are issued, the township board shall thereafter, annually, levy a direct tax, in addition to all other township taxes, sufficient in amount to meet the annual payments and interest on such bonds promptly, as the same mature. Said annual tax shall be collected at the same time and in the same manner in each year as other township taxes are collected.

Township
board shall
levy direct
tax.

When
collected.

This act is ordered to take immediate effect.

Approved March 15, 1905.

[No. 382.]

AN ACT to incorporate the city of Bad Axe, in the county of Huron.

The People of the State of Michigan enact:

SECTION 1. The corporation heretofore created and known as the village of Bad Axe, and the inhabitants thereof, shall be and the same are hereby created and constituted a corporation by the name of "The City of Bad Axe," which shall and does embrace the territory within the limits of said village of Bad Axe, and such territory as may hereafter be legally added

Territory
included.

Certain act to govern.	thereto, and such corporation shall in all things not herein otherwise provided for, be governed and its powers and duties defined and limited by an act entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and acts amendatory thereto.
Divided into three wards.	SEC. 2. The city of Bad Axe shall be divided into three wards with their several boundaries established as follows: The first ward shall embrace all that portion of said city lying east of the center line of Whitelem street and the continuations thereof to the northern and southern boundaries of said city. The second ward shall embrace all that portion of said city lying west of the center line of said Whitelem street and the continuations thereof, to the center line of Port Crescent avenue. The third ward shall embrace all that portion of said city lying west of the center of Port Crescent avenue: Provided, That by ordinance adopted by a two-thirds vote of the aldermen elect, the boundaries of the wards hereby created may be changed and new wards added at any time, in the manner provided by law.
Proviso.	
Officers.	SEC. 3. The following officers shall be elected at large among the qualified electors of said city, to-wit: One mayor, one recorder, who shall be ex officio city clerk, one treasurer, one justice of the peace and one supervisor. The mayor, recorder, treasurer and supervisor shall be elected annually and shall hold their offices for the term of one year from the second Monday in April of the year when elected.
Mayor, etc., when elected.	
Aldermen and constables, when elected.	SEC. 4. In each ward an alderman and a constable shall be elected at the election held in said city in April, nineteen hundred five, for the term of two years, and biennially thereafter. In the city at large there shall be elected at said election three aldermen for the term of one year, and biennially thereafter there shall be elected in the city at large not more than three aldermen for the term of two years: Provided, That the whole number of aldermen of said city shall not at any time exceed six.
Proviso.	
When council may establish board of public works.	SEC. 5. The said city shall have no board of public works, until its council, by a two-thirds vote of aldermen elect, shall establish a board of public works, which shall consist of three freeholders of said city, and which shall in all other respects be governed by said act number two hundred fifteen of the public acts of eighteen hundred ninety-five: Provided, That the city council shall perform the duties of same until the establishing of such board of public works.
Proviso.	
To be single assessment district.	SEC. 6. The city of Bad Axe shall comprise a single assessment district and assessments of property and the spreading of taxes shall be made thereon by a city supervisor at large. The said supervisor shall be a member of the board of supervisors of said county of Huron, and as such shall have the same rights, privileges, powers and compensation as other members of said board of supervisors.
Rights and privilege of supervisor.	

SEC. 7. The supervisor and two qualified freeholders and electors of said city, to be annually appointed by the council, shall constitute the board of review of the assessments of said city.

Board of review, who to constitute.

SEC. 8. The justice of the peace provided for in this act shall be elected at the first election held in said city for the term of four years, commencing on the fourth day of July following his election. The said justice of the peace and the

Justice of peace, when elected.

said recorder shall each have the same powers, rights, authority and jurisdiction as the justices of the peace elected in the several townships of this State. The said recorder shall have the same duties and obligations and shall file the same bond as the justice of the peace, and his court shall be styled "The Recorder's Court of the City of Bad Axe."

Justice and recorder, powers, etc., of.

SEC. 9. The mayor and aldermen of said city shall serve without compensation.

SEC. 10. All sessions of the board of registration and all elections to be held within said city shall be held at such place or places as the council shall designate.

Elections, etc., where held.

SEC. 11. The present officers of the said village of Bad Axe shall continue to hold their offices and to exercise the full powers of the same until they are succeeded by the officers of the city of Bad Axe, elected as herein stated. And the said officers are hereby authorized to make full provision for the registration of electors and for holding the first election under this act.

Village officers when term of office to expire.

SEC. 12. The present officers elected and holding office under the townships of Verona and Colfax and residing within the limits of said city of Bad Axe, shall continue to hold their offices and to have the same rights, powers, authority and jurisdiction as they had before the passage of this act, until their successors are elected and assume their offices.

Officers of certain townships, when term to expire.

SEC. 13. The incorporation of said city of Bad Axe shall not affect the boundaries or rights of "The Bad Axe Public Schools," an incorporated school district within which is situated the said city.

Incorporation, not to affect school district.

SEC. 14. No special right or franchise to use or occupy any of the public streets or alleys of said city, for a longer period than one year, may be granted to any persons or corporation, except with the approval of the qualified voters of said city, when submitted to them and voted upon by ballot at a general or special election held for that purpose.

When question of franchise to be submitted to electors.

SEC. 15. All vital questions of public interest for said city shall be determined by its council when approved and in accordance with the approval of the qualified voters of said city, when submitted to them at a general election or at a special election held for that purpose, and upon the presentation to it of a petition, in writing, signed by seventy-five qualified electors of said city, said council shall, within thirty days, call a special election for the purpose of submitting the ques-

Vital questions to be submitted to electors.

When council shall call special elections.

Proviso. tions involved in said petition to a vote in said city: Provided That not more than one special election on any one subject shall be held in any one year upon petition.
 This act is ordered to take immediate effect.
 Approved March 15, 1905.

[No. 383.]

AN ACT to amend section two of an act entitled "An act relative to free schools in the city of Detroit," approved February twenty-four, eighteen hundred sixty-nine, and being act number two hundred thirty-three of the session laws of eighteen hundred sixty-nine, as amended.

The People of the State of Michigan enact:

Section amended.

SECTION 1. Section two of an act entitled "An act relative to free schools in the city of Detroit," is hereby amended so as to read as follows:

School inspectors, number to constitute board of education.
 When elected.

SEC. 2. The board of education of the city of Detroit shall consist of seventeen school inspectors, to be elected one from and by each ward in the said city at the spring election held every alternate year, when judges of the Supreme Court are now required to be elected; and hereafter each and every ward shall be entitled to one school inspector. At the spring election of the year eighteen hundred ninety-nine, one inspector for each the first, second, third, fourth, fifth, sixth, seventh and eighth wards shall be elected to succeed the present inspectors from those wards, whose terms of office expire in the year eighteen hundred ninety-nine; and at the spring election of the year nineteen hundred one, one inspector from each the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth wards shall be elected to succeed the inspectors, whose terms expire in the year nineteen hundred one. Each inspector shall be elected for a period of four years from and after July one, following his election, except in the seventeenth ward one inspector shall be elected at the spring election in the year eighteen hundred ninety-nine, to fill vacancy, who shall take office immediately after said election. The votes to be cast for such inspectors shall be deposited in separate ballot boxes from those used for other than city officials, and the election shall be held and votes canvassed in the manner provided by the laws governing city elections. No person holding an office or employment of profit in or under either the city government of the city of Detroit or the county government of the county of Wayne, the State of Michigan or the United States, shall be

Term of office.

Votes for, how canvassed etc.

Who ineligible to office of.

eligible to election as a school inspector or shall be appointed as such inspector. In case any school inspector shall accept any such office or employment, after his election or appointment, his office as school inspector shall thereby become vacant.

Approved March 15, 1905.

[No. 384.]

AN ACT to provide for two voting precincts in the township of Tuscarora in the county of Cheboygan.

The People of the State of Michigan enact:

SECTION 1. The township of Tuscarora in the county of Cheboygan shall be divided into two voting precincts, as follows, viz.: All of sections six, seven, eighteen, nineteen, thirty, thirty-one and that part of sections five and eight, of township thirty-five north, of range two west, lying in said township, sections one, two, eleven, twelve, thirteen, fourteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, of township thirty-five north, of range three west, shall constitute voting precinct number one; and sections five, six, seven, eight, nine, sixteen, seventeen, eighteen, nineteen and twenty of township thirty-five north, of range three west, shall constitute voting precinct number two.

Division into districts.

First precinct, territory included in.

Precinct number two.

SEC. 2. At the first election held after the taking effect of this act, the polling place for the electors resident and being in the territory known as voting precinct number two shall be at the schoolhouse in school district number one, in section eight, township thirty-five north, of range three west.

Polling place, precinct No. 2.

SEC. 3. The officers of the township of Tuscarora who are by law the boards of registration and election shall be the boards of registration and election for voting precinct number one of the said township of Tuscarora, and when conducting elections they shall be entitled to vote therein. The board of registration and the board of election inspectors for the first election to be held in voting precinct number two, after the passage of this act, shall be composed of William U. Faunce, Calvin S. Dice and W. R. Sweet. In each year thereafter, at least twenty days prior to the annual township meeting, there shall be appointed by the township board two resident electors of voting precinct number two for the term of one year, who shall constitute the board of registration, and three electors who shall constitute the board of election inspectors of voting precinct number two, who shall

Boards of registration, who to constitute, precinct No. 1.

Precinct No. 2.

Boards of registration and election inspectors, who to appoint. Precinct No. 2.

have for their services the same as the members of the regular boards.

Who to furnish
election
supplies.

SEC. 4. It shall be the duty of the township board of the township of Tuscarora to supply the necessary books for registration and election, the necessary blanks for the return thereof and the necessary booths and ballot boxes to be used in each of said voting precincts.

Certain
motions and
resolutions,
where filed.

SEC. 5. All motions and resolutions for raising money to be used throughout the township for the improvement of roads or bridges, or for raising a general township tax or a township tax for any other purpose, shall be filed in the office of the township clerk at least ten days prior to the annual township meeting or any special election; and copies of all such motions and resolutions shall be forwarded by the township clerk to the board of election inspectors of the several voting precincts at least eight days prior to any election at which the same may be voted for. The vote on all such motions and resolutions shall be certified to by the board of election inspectors and returned in the same manner as the law provides for the return of votes in townships having more than one voting precinct.

Copies of,
forwarded to
election
inspectors.

Vote on, how
certified.

Election,
registration,
etc., how
conducted.

SEC. 6. The conduct of the registration, the conduct of the election and the canvass and return of votes in the precincts herein provided for, shall be in accordance with the provisions of the general laws for the conduct of elections in townships having more than one voting precinct.

This act is ordered to take immediate effect.

Approved March 15, 1905.

[No. 385.]

AN ACT detaching certain land from the township of Benton in the county of Cheboygan and attaching the same to the township of Grant, and detaching certain land from the township of Grant and attaching the same to the township of Benton in Cheboygan county, making the Lower Black river the dividing line between said townships.

The People of the State of Michigan enact:

Grant town-
ship, territory
attached.

SECTION 1. The following described territory, situate and lying in the township of Benton, Cheboygan county, Michigan, and described as follows, to-wit: All of sections twenty, twenty-one, twenty-eight, thirty-three and thirty-four, and all of the fractional parts of sections thirty-five, twenty-six, twenty-seven, twenty-two, sixteen and seventeen, lying west of the Lower Black river, and all of the fractional parts of sections nineteen, thirty, twenty-nine and thirty-two, lying

east of Cheboygan river, and being a part of township thirty-seven north, of range one west, is hereby detached from the township of Benton, in the county of Cheboygan, and the same is hereby attached to and made a part of the township of Grant, in the said county of Cheboygan.

SEC. 2. The following described territory, situate and lying in the township of Grant, Cheboygan county, Michigan, known and described as follows, to-wit: All of sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, of township thirty-seven north, of range one east, and sections one, two, three, four, five, six, nine, of range one east, and sections one, two, three, four, five, six, nine, ten, eleven, twelve, thirteen and fractional sections seven, eight, seventeen, sixteen and twenty-one, lying east of the Lower Black river, and fractional sections fifteen, fourteen, twenty-three and twenty-four, in township thirty-six north, of range one east, and all that fractional part of sections one and twelve, lying east of the Lower Black river, in township thirty-six north, of range one west, is hereby detached from the township of Grant, in the county of Cheboygan, and the same is hereby attached to and made a part of the township of Benton, in the said county of Cheboygan.

Benton township territory attached.

SEC. 3. Provided, however, This act shall not become operative, unless approved by each of said townships. The question of such approval shall be submitted to the electors of said townships, at the annual township meetings to be held therein on the first Monday of April, nineteen hundred five. Notice of the submission of said question shall be given by the clerks of said townships respectively, or either of them, by posting written or printed notices thereof in five public places in each of said townships at least ten days prior to the day herein fixed for holding such election; and the election shall be conducted, the votes canvassed and returned conformably, as near as may be, to the general laws of the State applicable to annual township meetings.

Proviso.

Question to be submitted to electors.

Notice of submission, etc.

SEC. 4. If the vote of each township shall be in favor of the proposition, then, on and after the first Monday of April, nineteen hundred six, the said townships shall be divided as provided in sections one and two of this act; and the township boards of said townships respectively shall fix the places for holding the first township elections in the reorganized townships, and fill, by appointment, such vacancies in the boards of registration and election as may arise through the change of boundaries hereby created.

When division may be made.

Township boards to fix places of first election.

This act is ordered to take immediate effect.

Approved March 15, 1905.

[No. 386.]

AN ACT to amend section nine of act number four hundred seventy-two of the local acts of nineteen hundred three, entitled "An act to reincorporate the city of Benton Harbor, Berrien county, Michigan."

The People of the State of Michigan enact:

Section amended.

SECTION 1. Section nine of act number four hundred seventy-two of the local acts of nineteen hundred three, entitled "An act to reincorporate the city of Benton Harbor, Berrien county, Michigan," is hereby amended to read as follows:

Board of education shall submit to city council, estimate of amounts necessary for school purposes.

SEC. 9. The board of education shall make and deliver to the city council annually in the month of September an estimate and report of the amounts necessary to be raised, in addition to other school funds, for the entire support of the public schools, including pay of teachers, indebtedness falling due, and for the purchase of grounds and the construction of school buildings and support of the library, and for all purposes of expenditure, which the board is authorized or required to make during the ensuing year, specifying the different objects of expense as particularly as may be; which sums so reported the council shall cause to be raised by tax upon all the taxable property of the city with the State, county and delinquent city taxes thereafter to be raised: Provided, That the amount so to be raised in any one year for all purposes above mentioned, shall not exceed three-fourths of one per cent of the taxable valuation of the real and personal property in said city as last valued and assessed by the board of review.

Sums to be raised by tax.

Proviso.

This act is ordered to take immediate effect.

Approved March 15, 1905.

[No. 387.]

AN ACT to organize the township of McKinley in Huron county.

The People of the State of Michigan enact:

Territory included.

SECTION 1. All of sections thirteen, fourteen, fifteen, sixteen, fractional seventeen, fractional nineteen and twenty, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, fractional thirty and thirty-one, sections thirty-two, thirty-three, thirty-four, thirty-five and thirty-six of township

number seventeen north of range number ten east, now forming a portion of the township of Caseville, are hereby set off from the residue of the said last named township and organized into a separate township by the name of McKinley. The first township meeting thereof shall be held in the Simon Wilfong house on the southwest quarter of the southwest quarter of section twenty-three, town seventeen, north of range ten east on the first Monday of April, A. D. nineteen hundred five.

First township meeting, time and place of.

SEC. 2. Peter P. Weber, William Horn, Sr., George Gardner and Emil Gourkie are hereby made and constituted a board of inspectors for said township election, and at such election the qualified electors shall choose, by ballot, persons to fill the various township offices, in manner and form as provided by the general laws of the State in case of township elections.

Board of inspectors, who to be.

SEC. 3. If for any reason the township meeting, provided for in section one, shall not be held at the time specified for holding the same, it shall be lawful to hold the same at any time thereafter by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notice thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election, or a majority of them.

Special township meeting, how provided for.

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls at such election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend such meeting.

Vacancy on board of inspectors, how filled.

SEC. 5. The said Peter P. Weber, William Horn, Sr., George Gardner and Emil Gourkie, or a majority of them, shall constitute a board of registration with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at said Simon Wilfong's house.

Board of registration, who to constitute.

SEC. 6. The proportional share of all debts, rights and liabilities of the said township of Caseville now existing, shall remain and continue to be the debts, rights and liabilities of the said township of McKinley. If, upon the passage of this act, there shall be any funds in the hands of the treasurer of the township of Caseville belonging to such township, the said township of McKinley herein organized shall be entitled to its proportional share of such funds, which shall be paid to the township treasurer of McKinley township. The method of determining such proportional share of the debts, liabilities or funds shall be governed by the valuation of property, and such determination shall be made by the township boards of both townships, at a joint meeting to be called by the town-

Debts, rights, etc., proportional share of, shall belong to new township. McKinley township, entitled to certain funds.

Method of determining proportional share of debts, funds, etc.

Township
officers, shall
have access to
certain records
etc.

School dis-
tricts to
remain the
same

ship clerk of Caseville township, at his office, within thirty days from and after the township officers of the said township of McKinley shall be elected. The said township officers of the township of McKinley shall have access to all records, files, effects and rolls belonging to said township of Caseville, on all days during business hours, on matters pertaining to the said township of McKinley. The provisions of this act shall not operate to change the boundaries or organization of the school districts of the said townships of Caseville and McKinley, but such school districts shall be and remain the same as at present constituted.

This act is ordered to take immediate effect.

Approved March 15, 1905.

[No. 388.]

AN ACT to amend section five of act number four hundred fifty-seven of the local acts of nineteen hundred three, entitled "An act to reincorporate school district number one of the city of Ann Arbor."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section five of act number four hundred fifty-seven of the local acts of nineteen hundred three, entitled "An act to reincorporate school district number one of the city of Ann Arbor," is hereby amended so as to read as follows:

Voters may
raise funds by
tax for school
purposes.

SEC. 5. The qualified voters of said district may, by a majority vote of those present and voting at any annual meeting, or at any special meeting called for such purpose, raise by tax upon the taxable property of the district such sum or sums as shall be necessary to purchase lots, build schoolhouses, and furnish the same, provide apparatus and fuel, pay for repairs and all incidental expenses and make the several schools of the district free of tuition in all English branches to resident scholars thereof; and at any annual meeting or regularly called special meeting, by a majority vote of those present and voting, such qualified voters may authorize the board of education to borrow money on the bonds of the district for such term of years, and at such rate of interest, as the meeting may direct, not to exceed six per cent per annum, for the purpose of building schoolhouses and making additions thereto, or for the payment of bonds to become due: Provided, That such indebtedness shall at no time exceed two and one-half per cent of the valuation of the district.

Voters may
authorize
bond issue.

Rate of
interest.

Proviso.

This act is ordered to take immediate effect.

Approved March 15, 1905.

[No. 389.]

AN ACT to authorize an issue of bonds by the township of Pointe Aux Barques, in the county of Huron, to enable said township to acquire and carry forward desirable public improvements.

The People of the State of Michigan enact:

SECTION 1. The township of Pointe Aux Barques, in the county of Huron, is hereby authorized to issue and negotiate its coupon bonds for a sum not to exceed twenty-five thousand dollars, the proceeds thereof to be used for the acquiring or making of public improvements in said township. Bond issue authorized for improvements.

SEC. 2. It shall be the duty of the township board of the township of Pointe Aux Barques, immediately after the taking effect of this act, to give public notice that, at the annual township meeting to be held on the first Monday in April, nineteen hundred five, the question of the issue of bonds by the township to an amount not exceeding twenty-five thousand dollars, for the acquiring or making of public improvements in said township, will be submitted to the electors of the township for their determination. Said notice shall be published in some newspaper generally circulating in said township for at least two issues, and the township clerk shall cause copies of said notice to be posted in at least five public places in said township, not less than ten days prior to the date of said annual township meeting, and due proof of the publication and posting of said notice shall be placed on record in the proceedings of the township board. Notice of election to be given. How published.

SEC. 3. The township board shall provide a separate ballot box and separate ballots for the use of the electors at the annual township meeting, in order that the electors may duly express their will on the question of the issue of bonds by the township. The ballots shall have printed on them the following words: "The issue of bonds for public improvement.—Yes;" and "The issue of bonds for public improvement.—No." The vote on the question of the issue of bonds by the township for the acquiring or making of public improvements shall be canvassed, counted, declared and recorded in the proceedings of the township meeting in the same manner as the votes for the several township officers are canvassed, counted, declared and recorded. Board shall provide separate ballot box and ballots. How vote canvassed, counted, etc

SEC. 4. If it shall be found that two-thirds of the electors of the township have voted in favor of the issue of the bonds of the township to pay for the acquiring or making of necessary public improvements, it shall be the duty of the township board to make due preparation for the acquiring or making of such improvements, and they may contract for the same, and may stipulate that the payment therefor may be made in portions as the work progresses, or as a whole on Two thirds vote necessary to authorize improvements.

the completion of the work; but they shall not enter into any agreement by which the township will incur a greater liability than the total amount of bonds voted to be issued.

Township board to prepare bonds.

SEC. 5. The township board shall prepare coupon bonds, which shall bear a rate of interest not to exceed five per cent per annum and shall be executed by the supervisor and the township clerk. Said bonds shall be of such denomination as the township board shall determine, and shall run for a period not to exceed twenty years from the date thereof, and shall not be negotiated for less than the par value.

Supervisor to place certain amounts on tax roll.

SEC. 6. It is hereby made the duty of the supervisor of Pointe Aux Barques township to place in his tax roll for each succeeding year an amount sufficient to pay the interest on the bonds which may be issued under and by virtue of this act, and also to provide for a sinking fund, which shall be sufficient to pay the said bonds at maturity.

When question may be submitted at a special election.

SEC. 7. If for any cause the question of the issue of the bonds authorized by this act is not submitted to the electors at the annual township meeting on the first Monday in April, nineteen hundred five, for their determination, it shall be lawful for the township board to submit the question to the electors at a special election called for that purpose. In that case, the provisions contained in sections two and three of this act shall be faithfully observed, relative to the notice, the form of the ballot, and the canvass and record of the vote.

This act is ordered to take immediate effect.

Approved March 16, 1905.

[No. 390.]

AN ACT to authorize the village of Boyne City, in the county of Charlevoix, to borrow money and issue its bonds therefor, for the purpose of building a bridge across Boyne river in said village, and to provide for the levy and collection of taxes for the payment of the interest and principal thereof.

The People of the State of Michigan enact:

Bond issue authorized for building bridge.

SECTION 1. The village council in the village of Boyne City, in the county of Charlevoix, is hereby authorized to borrow money on the faith and credit of said village, and to issue the bonds of said village therefor, to an amount not exceeding twenty-seven thousand dollars, which shall be expended for the construction of a bridge across Boyne river in said village: Provided, That a majority of the electors of said village, voting at an election held on the first Monday in April, in the year nineteen hundred five, shall vote in favor

Proviso.

of the said loan in the manner specified in this act. The question of raising the said money shall be submitted by the village council of the said village, to the electors thereof, and the vote shall be taken as near as may be in accordance with the provisions of an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five. Those electors voting for said loan shall have written or printed on their ballots the words: "For the loan;" and those electors voting against the loan shall have written or printed on their ballots the words: "Against the loan." The votes cast for and against said proposition shall be canvassed and certified in the same manner as the votes cast for the several village officers at said election.

Question shall be submitted to electors.

Form of ballot.

Votes, how canvassed.

SEC. 2. If said loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, payable at such times, with such rates of interest, as the said village council shall determine and direct. Such bonds shall be signed by the president of the village, countersigned by the clerk of said village and negotiated by or under the direction of the village council, and the money raised therefrom shall be appropriated in such manner as said village council shall determine for the purposes aforesaid. The said village council shall have the power, and it shall be their duty, to raise by taxes upon the taxable property of said village such sum or sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

When bonds may issue.

How signed, negotiated, etc.

Council to raise sums by tax.

This act is ordered to take immediate effect.

Approved March 16, 1905.

[No. 391.]

AN ACT to provide for the election of a drain commissioner in the county of Monroe.

The People of the State of Michigan enact:

SECTION 1. At the regular annual election to be held on the first Monday in April, nineteen hundred five, there shall be chosen in the county of Monroe in this State, by the qualified electors thereof, a county drain commissioner, whose term of office shall begin on the first day of January, nineteen hundred six, and continue for one year.

First election of.

Term of office.

SEC. 2. At the regular biennial election to be held on the Tuesday succeeding the first Monday in November, nineteen hundred six, and each two years thereafter, there shall be chosen in said county, by the qualified electors thereof, on the

Subsequent election of.

same ticket as the other county officers, a county drain commissioner, whose term of office shall begin on the first day of January following his election, and continue for two years, or until his successor is elected and qualified. Before entering upon the duties of his office, said duly elected drain commissioner shall take and file with the county clerk the constitutional oath of office, and shall also file a bond in the penal sum of five thousand dollars to the county of Monroe, conditioned on the faithful discharge of the duties of his office, which bond, before filing, shall have been approved by the board of supervisors. It shall be the duty of the county clerk to make report to the Secretary of State of the election and qualification of the county drain commissioner, as a part of his report of the election and qualification of the county officers.

Term of office.

Shall file oath and bond.

County clerk to report election of.

Repealing clause.

SEC. 3. All acts or parts of acts inconsistent herewith or repugnant hereto are hereby repealed.

This act is ordered to take immediate effect.

Approved March 16, 1905.

[No. 392.]

AN ACT to amend sections one and two of chapter three; and section one of chapter twenty-three, and to add to said chapter twenty-three twenty-five sections to be known as sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six of act number four hundred and thirty of the local acts of eighteen hundred ninety-nine, entitled "An act to amend and revise the charter of the city of Battle Creek," approved June one, eighteen hundred ninety-nine, as amended by act number four hundred fifty-two, of the local acts of nineteen hundred one, approved May twenty-eight, nineteen hundred one, as amended by act four hundred seventy-eight of local acts of nineteen hundred three, approved May twenty, nineteen hundred three, and to establish and provide a municipal court in said city in the place and stead of justice courts, to provide a judge and associate judge of said court and to define the duties and fix the compensation of said judge and associate judge; and to limit the number, to define the duties, and fix the compensation of constables, and to repeal all acts or parts of acts inconsistent herewith.

The People of the State of Michigan enact:

Act amended.

SECTION 1. Act number four hundred thirty of the local acts of eighteen hundred ninety-nine entitled "An act to

amend and revise the charter of the city of Battle Creek," approved June one, eighteen hundred ninety-nine, as amended by act number four hundred fifty-two of local acts of nineteen hundred one, approved May twenty-eight, nineteen hundred one, as amended by act number four hundred seventy-eight of the local acts of nineteen hundred three, approved May twenty, nineteen hundred three, is hereby amended by amending sections one and two of chapter three; by amending section one of chapter twenty-three, and by adding to said chapter twenty-three twenty-five sections to be known as sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six, so that said amended sections and said added sections of said chapters shall read as follows:

Sections
added.

CHAPTER III.

SECTION 1. The following officers shall be elected from among the electors of said city, to-wit: One mayor, one recorder, who shall be ex officio city clerk, one treasurer, three assessors, one judge, and one associate judge, of the municipal court, and two constables, to be elected and to hold their respective offices as follows, and until their successors are elected and qualified to-wit: At the annual charter election in April A. D. nineteen hundred five and every two years thereafter, there shall be elected one mayor, who shall hold said office for two years, and who shall be ineligible for two consecutive terms; one recorder and one treasurer, who shall each hold said office for one year; one assessor who shall be elected for a term of three years as provided in section three of this act, which section is hereby continued in force and effect; one judge, and one associate judge, of the municipal court, who shall each hold his office for four years; and two constables who shall be elected one for the term of one year and one for the term of two years, and one constable shall be elected annually thereafter for the term of two years. At the charter election to be held in April A. D. nineteen hundred six, and every two years thereafter, there shall be elected one recorder and one treasurer who shall hold their respective offices for two years.

Elective
officers.

When elected
and terms of
office.

Subsequent
election of
recorder and
treasurer.

SEC. 2. There shall be elected annually in the several wards, from among the electors thereof, one alderman, who shall hold his office for two years, and until his successor shall be elected and qualified.

Aldermen.

CHAPTER XXIII.

SECTION 1. There shall be established in the city of Battle Creek a municipal court, with one judge, one associate judge

Municipal
court
established.

Powers and duties.	and one clerk as hereinafter provided, which court and officers thereof shall have the same powers and jurisdiction and duties as are, or may be, provided by law in regard to justices of the peace and justice courts in the several townships of this State, except as otherwise hereinafter provided. The title of said court shall be the "Municipal Court of Battle Creek."
Title of.	
Constables, powers and duties of.	SEC. 2. The constables of the city elected as provided by chapter three of this act, shall have the like powers and authority in civil and criminal cases and in relation to the service of all manner of civil and criminal process issued out of said municipal court, and also such as is conferred by law upon constables in townships. They shall have power to serve all processes issued for breaches of the ordinances of the city and shall be ex officio members of the police force of said city. They shall obey all lawful orders of the said judge and associate judge not inconsistent with his statutory duties; and they shall attend upon the said court whenever required so to do by the said judge or associate judge. They shall discharge all duties required of them by any ordinance, resolution or regulation of the common council; and for any refusal to perform any duty lawfully required of them every constable shall be subject to a penalty of not less than five nor more than fifty dollars; and he and the sureties upon the bond to be filed by him as hereinafter required, shall be liable to any person injured for any neglect or refusal on his part to perform any lawful duty required of him. Every constable, before entering upon the duties of his office shall give such security for the performance of his duties as is required of constables in townships, and also such as may be required by the common council of the city of Battle Creek, and file the same with the recorder. Each of said constables shall receive a salary to be determined by the common council on or before the first Monday in March of each year for the ensuing year, to be paid monthly by the treasurer of said city, in the same manner that other salaries are paid: Provided, That the common council shall fix the said salary for the year nineteen hundred five on or before the first regular meeting in June, nineteen hundred five. Said constables shall receive no fees or perquisites for the performance of any duties required of them as said constables in criminal cases and for violations of the ordinances except that in criminal cases and in cases brought for any breach of the ordinances of said city for services performed outside of the city, they shall receive from the city of Battle Creek, their actual and necessary expenses, to be allowed by the common council like other claims. Each of said constables shall keep a correct itemized account of all such expenses, and of all fees in criminal cases which by the general laws of this State he would be entitled to receive for services rendered by him as constable, if compensation for such services were not made by salary as herein
Penalty for refusal to perform duties.	
To give security.	
Salary of, when determined.	
Proviso as to salary and fees.	
Shall receive fees in certain cases.	
Keep account of expenses and fees.	

provided, and file a verified statement thereof with the judge of said court at the close of each month. Said judge shall examine the same and shall certify thereon whether he believes the same to be correct, and transmit the same together with the verified statement required of him by section twenty-three of this chapter to the common council. The constables elected under the provisions of this act shall qualify and enter upon the duties of their respective offices in like manner as other city officers provided for in this act.

Judge shall examine and verify account of.

When to qualify.

SEC. 3. At the general election held in April nineteen hundred five, and every four years thereafter, there shall be elected one judge of the municipal court whose term of office shall commence on the fourth day of July following his election and continue for four years and until his successor shall be elected and qualified, and he shall be elected on the general city ticket in the manner provided for the election of other city officers.

Judge of municipal court, when elected. Term of office.

SEC. 4. At the general charter election held in April, nineteen hundred five and every four years thereafter there shall be elected one associate judge of the municipal court whose term of office shall commence on the fourth day of July following his election and continue for four years and until his successor shall be elected and qualified, and he shall be elected on a general city ticket.

Associate judge.

Term of office.

SEC. 5. Said associate judge shall have no powers, duties or jurisdiction except only at such times and in such cases as there shall be a vacancy in the office of the said judge, or when said judge shall be unable to perform the duties of his said office by reason of sickness or his absence from the city, or, he shall be disqualified to act by the general law of this State, or when justice demands and to avoid delay the judge deems it expedient, then at such times and in such cases said associate judge shall for the time being assume the powers, duties and jurisdiction of said judge, shall proceed to the trial of cases already commenced, issue process and commencement of new cases, and conduct the affairs and business of said court as judge of said court until said judge is again able to perform the duties of said office and the cases commenced and unfinished by said associate judge shall be conducted and finished by said judge.

Associate judge, when to assume duties.

Powers and duties.

SEC. 6. Said judge and the associate judge in the cases hereinbefore provided shall have jurisdiction to hear, try and determine all charges and offenses and misdemeanors alleged to have been committed within the said city, and which by the general laws of the State are within the jurisdiction of justices of the peace. Said court and the judges thereof shall also have jurisdiction to hear and examine all charges for crimes alleged to have been committed within the city and which by the general laws of the State are examinable by and before justices of the peace, and to hold to bail or commit for trial in the circuit court for the county of Cal-

Jurisdiction of judges in criminal actions.

Concurrent jurisdiction. houn. They shall also have concurrent jurisdiction with justices of the peace of the county of Calhoun as to all crimes, offenses and misdemeanors when alleged to have been committed without the city, but within the county of Calhoun:

Proviso. Provided, however, That this section shall not affect the jurisdiction of justices of the peace now in office within this city until each of such offices shall be discontinued under the operation of this act.

Municipal court, general laws to govern. SEC. 7. The general laws of the State and this act relating to justices of the peace shall in all things apply to and govern said court and the offices thereof, except as otherwise provided in this act.

Jurisdiction of in civil actions. SEC. 8. The said municipal court and the judges thereof shall have original jurisdiction of all civil actions wherein the debt or damages do not exceed the sum of one hundred dollars, the same as justices of the peace under the general law of the State, and concurrent jurisdiction of all civil actions upon contract express or implied wherein the debt or damages do not exceed five hundred dollars, with such provisions, exceptions and restrictions as exist under the general law pertaining to justices of the peace: Provided, however,

Proviso, as to jurisdiction of justices of the peace. That no justice of the peace of any of the townships in the county of Calhoun shall have jurisdiction over any cause or proceeding, where both parties to the same or one or more of the plaintiffs and one or more of the defendants reside in the city of Battle Creek at the time of the commencement of the proceeding or cause, nor in case where the original cause of action existed in favor of a plaintiff and against a defendant, both residents of said city, and has been assigned to a non-resident of said city.

Judges required to try and determine offenses against by-laws and ordinances. SEC. 9. Said judge and the associate judge as is hereinbefore provided, are hereby authorized, empowered and required to inquire of, hear, try and determine in a summary manner, all offenses which shall be committed within this city against any of the by-laws or ordinances made by the common council of the city, or arising under the provisions of this act, to punish the offenders as by the said by-laws or ordinances, or by this act shall be prescribed or directed; to award all process and to take recognizances for the keeping of the peace, for the appearance of the person charged, and upon appeal or certiorari, and to commit to prison as occasion shall lawfully require: Provided, however, That this section shall not affect the jurisdiction of justices of the peace now in office within the city.

To award process, take recognizances, etc. SEC. 10. Said judge shall receive no fees to his own use, but in lieu thereof shall be paid from the city treasury an annual salary of fifteen hundred dollars a year payable in equal monthly installments.

Proviso. SEC. 11. Said associate judge shall receive a per diem compensation of five dollars when holding court for and in the place of the said judge, the same to be deducted from the

Salary of judge.

Per diem of associate judge, how provided.

salary of the said judge; and if at any time it shall be expedient or necessary for the said judge and associate judge to hold court at the same time the associate judge shall receive the same compensation as the said judge and shall be paid from the city treasury: *Provided*, That in case said judge shall not be absent from duty to exceed fifteen days during the year, no deduction shall be made from his salary.

SEC. 12. There shall be a clerk of the municipal court to be appointed by the common council upon the nomination and recommendation of the said judge, and who may be suspended or removed by said judge at any time, with the consent of the common council, and who shall receive an annual salary fixed by a two-thirds vote of the common council, the same to be fixed on or before the first regular meeting in March of each year. Said salary shall be payable in equal monthly installments from the city treasury: *Provided*, That the common council shall fix the said salary for the year nineteen hundred five on or before the first regular meeting in June, nineteen hundred five.

SEC. 13. The common council shall provide and furnish for the said court a suitable and convenient court room, with jury room adjacent and a private office, and provide and furnish with desks, fireproof safe, tables, furniture, fuel, blanks and stationery, and such other things as may be required to properly transact the business of said court.

SEC. 14. The judge or associate judge may call upon any constable in the city, or upon the chief of police to detail one or more policemen, as the said judge may direct, to attend upon and keep order in the municipal court under the direction of said judge or associate judge.

SEC. 15. Such judge and the associate judge shall qualify in the manner provided by the general laws of the State for justices of the peace, but their bonds shall be approved by the common council.

SEC. 16. Said clerk shall qualify by taking the constitutional oath and giving a bond in such amount and with such sureties as may be required by the common council.

SEC. 17. Said clerk shall, under the direction of the judge, keep three dockets, which dockets shall contain all that is required to be kept under the general laws of the State, relating to justices. In one of said dockets shall be kept a record of all civil business, in another all criminal business, and in the third all cases under city ordinances, rules and by-laws. He shall also keep a general record book in which shall be entered all general rules, orders, notices and matters of which record should be kept, and which do not properly come under either of the three subdivisions above provided. He shall also file and safely keep and care for all books, papers, and other things coming to his hands as such clerk, being subject at all times to the direction and control of said judge, and said dockets shall be signed by said judge or by the associate judge when acting.

Provido.

Clerk of court how appointed

Salary, when and how fixed.

Provido.

Council to provide court room, furniture, etc

Judges may call for police detail.

To give bonds.

Clerk to give bond.

To keep three dockets

Keep general record book.

Shall care for books, papers etc.

Justices of
peace, term of
office.
Jurisdiction of.

SEC. 18. The justices of the peace now in office shall continue to hold their offices until the expiration of their respective terms, and no longer, and so long as they remain in office their jurisdiction shall remain unchanged except that after the judge and associate, herein provided for, shall have been elected, qualified and entered upon the duties of their offices, all prosecution for the violation of any ordinance shall be brought before said municipal court and not elsewhere.

Fees to be
paid clerk on
commence-
ment of suits.

SEC. 19. In every civil action or proceeding, except garnishment proceedings commenced in said municipal court, there shall be paid to the clerk by the plaintiff, an entry fee of one dollar, and before the trial of any action or proceeding shall be commenced, such party shall pay a judgment fee of one dollar in cases where the defendant shall not appear and join issue, and two dollars in cases where issue is joined between the parties; but in case of nonsuit before commencement of trial no judgment fee shall be required; proceedings in garnishment shall be treated as part of the principal cause and no additional fee shall be required therefor, except when an issue of fact shall be joined in respect to the liability of any garnishee; in such case a judgment fee of two dollars shall be paid before such trial shall commence. The fees provided in this section shall be in full for court costs and proceedings in said cause to and including the issue of an execution upon the judgment therein, and shall be taxed in favor of the party paying the same if he be the prevailing party in the suit. The fees for all alias writs, and duplicate garnishment proceedings to be the same as provided by statute, and shall be taxed and collected in addition to the fees above specified. The jury and officers' fees provided by general law shall be paid in addition to the foregoing fees. For all services and proceedings subsequent to the issuing of an execution or for the purpose of staying proceedings or removing causes to an appellate court, there shall be paid to the said justice the fees provided by law. In all criminal cases where a fine may be imposed it shall and may be lawful to include in the sentence such an amount for costs as would be taxable under the general laws of the State, in justices' courts and all such costs and fees and moneys collected by such justice for or on account of the business of his office, except as herein otherwise provided, shall be paid over by said clerk to the city treasurer as hereinbefore provided. The fees of witnesses and jurors in criminal cases shall be paid in the same manner as is now provided by law for the payment of such fees by justices in townships, and all fines imposed by the said justice for the violation of any of the criminal laws of this State, except such as are imposed as costs as aforesaid, shall be, by the clerk of said court, paid to the treasurer of the county of Calhoun as required by law.

How taxed.

Jury, etc.,
fees.

Execution,
appeal, etc.

Costs collected
to whom paid

Witness and
juror fees,
how paid.

Fines collected
paid to county
treasurer.

Disposition of
moneys paid
to clerk.

SEC. 20. All moneys paid to said clerk, except jury, officer and witness fees, and except all fines and costs recovered

for the violation of the penal laws of this State, shall be for the use of the city and shall be paid to the city treasurer, who shall give duplicate receipts therefor: *Provided, That* the constables provided for in this act shall be entitled to receive and collect in all civil cases the fees provided by statute: *Provided, also, This act shall in no way affect the fee to which said judge may be entitled on the performance of marriage ceremonies, taking acknowledgments and administering oaths in matters not connected with any litigation in said municipal court: Provided further, That said judge shall not engage in the collection of claims and accounts and shall not be connected with any collection agency.*

Proviso as to constables.

Proviso as to judge.

Further proviso.

SEC. 21. As the term of office of the justices of peace now in office shall expire, their dockets, and the dockets then in their possession shall be turned over and delivered to the court herein provided for, and said judge is hereby authorized to issue executions, or other processes, as is now or may be authorized by law upon any judgment appearing therein.

Justices' dockets to be delivered to court.

SEC. 22. Vacancies in said offices of judge of the municipal court and associate judge of the municipal court shall be filled for the unexpired term in the manner provided for filling vacancies in office by this act by election at any general election or charter election held in this city, or any special election held for that purpose, in accordance with the provisions of this act for holding special elections.

Vacancies, how filled.

SEC. 23. All fees and costs taxable by law, shall be collected by said clerk, and monthly, or oftener if required by the common council, he shall pay over to the city treasurer all moneys received by him belonging to the city, taking duplicate receipts therefor, and filing one of such receipts with his sworn statement of the amounts with the city clerk, the other to be kept and filed in the office of said court.

Clerk to collect fees and costs.

SEC. 24. Process may be signed in blank in civil cases and left with said clerk, and may be issued by him on proper application or showing, and said clerk is authorized to administer oaths in all cases wherever an oath is required.

Process may be signed in blank.

SEC. 25. In cases of appeal or certiorari the said clerk may make and certify a return thereto which shall have the same force and effect as if made and certified to by said judge.

Appeal or certiorari, clerk may make return in.

SEC. 26. In all prosecutions before said court for a violation of any of the general laws of the State, the county of Calhoun shall be liable for court, constable and other fees and costs, to the same extent that it is liable under the general laws of the State for justice and constable fees and costs, and the clerk shall make out and certify such bill in the name of the court and present the same to the board of supervisors for said county, and said board shall allow the same as in other cases of bills from justices and constables, and the amount of the order therefor when received shall

County liable for fees in certain prosecutions.

Clerk to present bill to supervisors.

Money, where paid.

Stenographer, when court may appoint be paid over and delivered to the city treasurer. In case of examination of offenders by said court for offenses committed against the criminal laws of this State where such court has jurisdiction to examine and to hold to bail only, it shall be lawful for said judge, on motion of the prosecuting attorney, to cause an order to be entered in the records of such court before or during the pendency of said examination, appointing some suitable stenographer to take down in shorthand the testimony of such examination; and such stenographer so appointed shall receive such per diem compensation for the time so expended in taking such testimony and such price per folio for writing out the same in longhand, as shall be fixed by the board of supervisors, the same to be allowed and paid out of the treasury of said county.

Compensation of.

Repealing clause.

All acts or parts of acts inconsistent with, or contravening this act are hereby repealed.

This act is ordered to take immediate effect.

Approved, March 16, 1905.

[No. 393.]

AN ACT to authorize the board of supervisors of the county of Luce to transfer surplus moneys from the bond fund of said county to other funds.

The People of the State of Michigan enact:

Empowered to transfer moneys from bond fund to other funds.

SECTION 1. The board of supervisors of the county of Luce shall have power to, and in its discretion may, at least once in each year, transfer, by resolution, any surplus moneys in the bond fund of said county to the county road fund, or any other county funds, and in such proportions as the said board of supervisors shall direct.

This act is ordered to take immediate effect.

Approved March 9, 1905.

[No. 394.]

AN ACT to amend act number four hundred seventy-nine of the local acts of the State of Michigan for the year nineteen hundred three, entitled "An act to authorize and empower the city of South Haven, in the county of Van Buren and State of Michigan, to raise or borrow money and issue bonds therefor, not to exceed fifty thousand dollars, with which to purchase a site for a park and for the improvement thereof, in the city of South Haven," by adding thereto a new section to be known as section four.

The People of the State of Michigan enact:

SECTION 1. Act number four hundred seventy-nine of the local acts of the State of Michigan for the year nineteen hundred three, entitled "An act to authorize and empower the city of South Haven, in the county of Van Buren and State of Michigan, to raise or borrow money and issue bonds therefor, not to exceed fifty thousand dollars, with which to purchase a site for a park and for the improvement thereof, in the city of South Haven," is hereby amended by adding thereto a new section to be known as section four, to read as follows:

SEC. 4. Should the said city of South Haven raise or borrow money and issue bonds therefor under and by virtue of the provisions of this act, then the city council of said city shall annually, in addition to all other taxes provided for by law, by resolution provide for the raising of a sufficient sum of money, by taxation on the assessable property in said city, to pay the interest upon said bonds and indebtedness, and to provide a sinking fund for the payment of said bonds and indebtedness; and it shall be the duty of the several supervisors of said city, in addition to all other taxes provided for by law, to spread upon their respective assessment rolls of their respective wards, annually, the taxes hereinbefore provided for, whenever the same shall be authorized by a resolution of the city council of said city as is hereinbefore provided.

This act is ordered to take immediate effect.

Approved March 16, 1905.

[No. 395.]

AN ACT to authorize school district number eight, of the township of Grosse Pointe, county of Wayne, and State of Michigan, to borrow money and issue bonds therefor in the sum of twenty-five thousand dollars, to be used in the erection of a school building or school buildings in said district, and furnishing the same and in the purchase of a site or sites therefor.

The People of the State of Michigan enact:

School district authorized to borrow money and issue bonds.

SECTION 1. School district number eight, of the township of Grosse Pointe, county of Wayne and State of Michigan, is hereby authorized and empowered to borrow on the faith and credit of said school district, a sum of money not to exceed twenty-five thousand dollars, for a term not exceeding thirty years from date of issue, at a rate of interest not exceeding five per cent per annum payable semi-annually, at such place or places as the board of trustees of said school district may determine, and to issue the bonds of said district therefor, in such denominations as the said board of trustees may by a majority vote of all the members thereof elect, determine: Provided, however, That no such bonds shall be sold for less than par value: And provided further, That no bonds shall be issued or moneys borrowed for the purpose of the construction of said school building or school buildings and for the furnishing of same, or the purchase of a site or sites therefor, until the question of borrowing such sum of money and issuing of said bonds therefor shall be first submitted to a vote of the electors of said school district qualified under the laws of the State of Michigan to vote on the questions which directly involve the raising of money by tax for said school district, present at any annual or special meeting appointed and called by the board of trustees of said school district for the purpose of voting thereon, and unless the borrowing of such sum of money and the issue of said bonds therefor shall be authorized by the affirmative vote of a majority of such qualified electors voting upon said proposition at such meeting.

Proviso.

Further proviso, as to submitting question to electors.

When question may be submitted.

SEC. 2. The board of trustees of said district shall submit the question of making such loan and issuing said bonds to the electors mentioned in section one of this act, at any annual meeting of said district, or at any special meeting called by said board for the purpose of voting on such proposition, and public notice of such meeting, which shall contain a statement of the time, place and object thereof shall be given by said board of trustees, by causing copies of such notice to be posted in at least five public places in said district, not less than six days before the time of such meeting.

Notice of meeting.

SEC. 3. At such annual meeting, or at the special meeting provided for in section two of this act, at which the proposition of issuing said bonds may be submitted to the electors of said district, the moderator, director and treasurer (formerly called assessor) of said school district, shall constitute a board of inspectors, and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open for two hours after the time fixed for the meeting, in the notices thereof. The vote upon such proposition shall be by ballot, either printed or written or partly printed and partly written, and the proposition shall be stated upon such ballots in the following form: "For borrowing the sum of twenty-five thousand dollars and issuing the bonds of school district number eight of the township of Grosse Pointe, Wayne county, Michigan, therefor, at not to exceed five per cent interest per annum, and for not to exceed thirty years, to be used in the erection of a school building or school buildings in said district and furnishing the same, and in the purchase of a site or sites therefor—Yes." And "For borrowing the sum of twenty-five thousand dollars and issuing the bonds of school district number eight of the township of Grosse Pointe, Wayne county, Michigan, therefor, at not to exceed five per cent interest per annum and for not to exceed thirty years, to be used in the erection of a school building or school buildings in said district and furnishing the same, and in the purchase of a site or sites therefor—No." And the ballots shall be deposited in a separate ballot box provided for the purpose. At the closing of the polls the inspectors shall canvass the ballots and publicly declare the result thereof, and record the same in the school district records.

Board of inspectors; who to constitute.

Duties of.

Vote shall be by ballot.

Form of ballot.

Canvass of votes.

SEC. 4. If at such meeting a majority of such qualified electors present thereat and voting upon such proposition shall vote in favor of such loan and issuing said bonds therefor, the board of trustees of said district shall thereupon be authorized to borrow not to exceed the sum of twenty-five thousand dollars and to issue the bonds of said district therefor, which bonds shall be executed in such proper form and by such officers of the board as the board of trustees of said district shall direct, and the said bonds may be disposed of from time to time in such quantities as such board of trustees may deem necessary.

When bonds may issue.

Form of bond, who to determine.

SEC. 5. The money borrowed under the provisions of this act shall be applied as follows, viz.: To the construction and erection of a school building or school buildings, and for the furnishing of the same for the use of said school district, and for the purchase of a school site or sites therefor to be located in such place or places in said school district as the board of trustees of said district may determine.

How money used.

Board of trustees to provide payment of bonds.

SEC. 6. It shall be the duty of said board of trustees of school district number eight, of the township of Grosse Pointe, to provide by tax upon all the taxable property in said school district, or from any fund it may have on hand and not otherwise appropriated, for the payment of said sum of twenty-five thousand dollars, and interest, upon all bonds issued under authority of this act, and the board of trustees of said school district is hereby authorized to raise by tax in each year, in addition to all other school taxes, a sum sufficient to provide for the payment of the interest on said bonds.

Intent and purpose of act.

SEC. 7. It is the intent and purpose of this act to enable and empower the said school district number eight to raise and realize the sum of twenty-five thousand dollars, over and above and in addition to all sums which said district may borrow and become indebted for under the general statutes of the State, relative to the indebtedness of school districts, and this act shall not be construed to limit or impair the power and authority which said school district may have under the said general statutes of the State to borrow money and become indebted therefor, and all sections of the general school law of this State inconsistent with the provisions of this act are and the same shall be inoperative as to said district, but all sections of the general school law of this State not inconsistent with the provisions of this act, are and the same shall be and remain in full force in said district.

Not to limit power of district.

This act is ordered to take immediate effect.

Approved March 16, 1905.

[No. 396.]

AN ACT to provide for the election of a county drain commissioner in and for the county of Saginaw, prescribe his powers and duties and fix and provide for his compensation.

The People of the State of Michigan enact:

When elected.

SECTION 1. At the election to be held on the first Monday of April in the year one thousand nine hundred five, and each second year thereafter, there shall be elected in Saginaw county, by the qualified electors thereof, a county drain commissioner, whose term of office shall begin on the first day of May, following his election and continue for two years thereafter and until his successor shall be elected and qualified.

Term of office.

File oath and bond.

Before entering upon the discharge of the duties of his office he shall take, subscribe and file with the county clerk of said county, the constitutional oath of office, and shall also exe-

cute and file with said clerk a bond to the county of Saginaw in the penal sum of ten thousand dollars, with two or more sufficient sureties to be approved by the board of county auditors of said county, conditioned upon the faithful discharge of the duties of his said office.

SEC. 2. In case of a vacancy occurring in the office of said county drain commissioner caused either by resignation, removal from the county, death or otherwise, it shall be the duty of the county clerk, county treasurer and probate judge of the county to fill such vacancy by appointment under their hands and seals, which said appointment shall be filed in the office of the county clerk of said county. Such appointee shall take, subscribe and file the constitutional oath of office and give bond as required in this act, and shall hold his office until the next general election, or until his successor shall be elected and qualify as herein provided.

Vacancy, how filled.

Appointee to file bond, etc

SEC. 3. The sheriff of the county of Saginaw shall give at least ten days' notice in writing to be delivered to the township clerk of each township and to one of the inspectors of election in each ward in any city in said county, of the holding of each election for said county drain commissioner.

Notice of election.

SEC. 4. The inspectors of election in the several townships and wards in cities in said county shall provide a separate ballot box for the reception of ballots that may be offered at such election for said county drain commissioner, and they shall make a canvass, statement and return of the votes cast for said office in the same manner as is provided by the election laws of this State, for votes cast at a general election.

Votes, how canvassed.

SEC. 5. The county canvass of the votes cast for county drain commissioner of Saginaw county shall be made on the second Tuesday succeeding the election and be conducted in all respects in the same manner and returns shall be made in the same manner and within the same time, as is provided by existing laws for the canvass of votes cast for circuit judges; and it shall be the duty of the county clerk to make report to the Secretary of State, of the election and qualification of said county drain commissioner, in the same manner and time as he is now required to report the election and qualification of county officers.

Canvass, when made

County clerk to report election.

SEC. 6. The said county drain commissioner shall be invested with the same powers and perform the same duties as now are or may hereafter be prescribed by the general drain laws of this State, subject to such restrictions and limitations as now are or may hereafter be prescribed by statute.

Commissioner powers and duties of.

SEC. 7. The county drain commissioner of Saginaw county, elected under the terms and provisions of this act, shall receive an annual salary of fifteen hundred dollars per annum, to be paid monthly out of the general funds of said county, and traveling expenses not to exceed the sum of five hundred dollars per annum.

Salary of.

How paid.

This act is ordered to take immediate effect.

Approved March 16, 1905.

[No. 397.]

AN ACT to provide the manner of conducting elections in the township of Adams, county of Houghton, State of Michigan.

The People of the State of Michigan enact:

Boards of election inspectors, township board to appoint.

Number of members.

Precinct number one.

Precinct two.

Other precincts.

Who to fill vacancy.

Term of office.

Power and authority of.

Compensation.

Where electors shall vote.

SECTION 1. The township board of the township of Adams in the county of Houghton, State of Michigan, are hereby empowered to and shall, at a meeting of said board to be held at least two weeks prior to the annual spring election therein, appoint a board of inspectors of election for each election district or precinct in said township into which said township now is or may hereafter be divided, whose duties shall be the same as those required of inspectors of election under the general election laws of this State, said board to be composed of four qualified electors of said township as follows: For precinct numbered "one" therein, the supervisor, township clerk, and two justices of the peace, whose term of office shall first expire; for precinct number "two" therein, the remaining two justices of the peace of said township, the township treasurer, and one other qualified elector; and the inspectors of election for each of the other districts into which the township is now or may hereafter be divided, shall be appointed by said township board at such meeting as aforesaid; and in case of the absence of any of the above named officers or those to be appointed as above mentioned by said board, then said township board shall have power to fill the vacancy caused by such absence. The inspectors of election appointed as aforesaid, shall be, respectively, the boards of inspectors of election for the ensuing year in such districts or precincts, and until their successors are appointed and qualified.

SEC. 2. The board of inspectors of each district appointed as provided in section one, shall be inspectors of elections at each election or township meeting held therein. They shall appoint one of their number chairman of the board, shall administer oaths, make appointments, and have the same powers and authority for preserving order and enforcing their commands, and all other powers for proceeding with the elections in said district, and shall conduct the elections therein in the same manner, as now or hereafter directed by law for township inspectors of elections held in this State, unless herein otherwise provided. They shall receive from the township the same compensation as township inspectors of election, and before entering upon their duties, shall take and subscribe the oath of office prescribed by the constitution of this State.

SEC. 3. The electors of each district of said township shall vote in their respective districts in which they reside and for

which they are registered, except such as are required to act as inspectors of election, who may vote at the polls where they act as inspectors.

SEC. 4. A new registration for said township of Adams shall take place on the Saturday next preceding the first township meeting or election to be held after this act shall take effect. The board of registration of each precinct or district in said township appointed as hereinafter provided, shall complete the registration of the electors of each district or precinct in separate district or precinct registers, and shall transcribe to such district or precinct registers from the township register, the names of such electors as they know are qualified electors and residents of such district, and shall cause such district or precinct register to be present at every election for the use of each district or precinct board of inspectors. And after such first general registration for said township, there shall be a meeting of said several boards of registration in the several districts or precincts of said township, on the same days as are provided by law for registration in townships, for the registration of the electors of the several districts or precincts in said township, which registration shall be in the same manner and said several boards of registration shall have the same powers and duties as are or may be provided by law with reference to registration in townships, except as herein otherwise provided. The said district or precinct boards shall each be composed of three qualified electors of said township as follows: For district or precinct numbered "one," the supervisor and two other duly qualified electors appointed by the township board. For district or precinct numbered "two," the township clerk and two other duly qualified electors appointed by the township board. For district numbered "three," the township treasurer and two other duly qualified electors appointed by the township board, and for each of the other districts or precincts into which the said township now is or may hereafter be divided, three qualified electors to be appointed by said township board. Each of the members of said several district or precinct boards of registration, shall take and subscribe the oath of office prescribed by the constitution. Two members of each of said district or precinct boards of registration shall form a quorum. The members of each of said boards of registration shall appoint one of their number to be chairman of the board, who shall have charge of the register of his district from the close of the registration to the morning of election day, when he shall deliver it to the inspectors of election of such precinct or district.

New registration time of.

Boards of registration to complete registers.

Subsequent meetings of registration boards.

Precinct boards, who to constitute. Number one.

Two.

Three.

Other precincts.

Quorum.

Chairman to have charge of register.

SEC. 5. At any township meeting or election, general or special, the district or precinct inspectors of election shall, without adjourning, publicly canvass the votes received by them in the same manner as prescribed by law for the canvassing of votes at the general elections in this State, except

How votes canvassed.

Shall make statement of.	as herein otherwise provided, and shall, before adjournment, make a statement in writing setting forth in words at full length, the number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes given for each person, and the whole number of votes given upon each question voted upon, and
How certified.	the number of votes given for and against the same, which statement shall be certified under the hands of the inspectors
Where statement deposited.	of election of such district or precinct to be correct; and shall forthwith transmit and deposit such statement and certificate with the board of inspectors of district or precinct number one, and said last named board shall immediately consolidate
Reports consolidated.	said district or precinct reports, and the combined result shall be the official canvass of said township.
Township board may redistrict township.	SEC. 6. The township board at any meeting thereof held at least two weeks before the annual spring election or meeting of the electors of said township, are hereby empowered when the vote in any one precinct shall have exceeded three hundred at the last election held therein, to redistrict said township into election districts or precincts in manner and form as is provided by law for the original redistricting of townships.
General election laws to govern.	SEC. 7. The general election laws of this State shall apply to said township and to all elections and meetings held therein, except as herein otherwise provided. This act is ordered to take immediate effect. Approved March 16, 1905.

[No. 398.]

AN ACT to amend section twenty-five of chapter twenty-nine and section three of chapter thirty-three of act number three hundred thirteen of the local acts of eighteen hundred ninety-three, entitled, "An act to incorporate the city of Belding in the county of Ionia and State of Michigan," approved March twenty-three, eighteen hundred ninety-three.

The People of the State of Michigan enact:

Sections amended.	SECTION 1. Section twenty-five of chapter twenty-nine and section three of chapter thirty-three of act number three hundred thirteen of the local acts of eighteen hundred ninety-three, entitled "An act to incorporate the city of Belding in the county of Ionia and State of Michigan," are amended so as to read as follows:
Authority of council in reference to loans.	SEC. 25. No loans shall be made by the council or by its authority in any year, exceeding the amounts prescribed in this act. For any loans lawfully made the bonds of the city

may be issued, bearing interest not to exceed six per cent. A record, showing the dates, numbers and amounts of all bonds issued and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of the former bonds falling due, in such manner as merely to change but not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs and from what fund it is payable: Provided, That the total indebtedness of said city for all purposes shall never exceed ten per cent of the assessed valuation of the city as contained in the last preceding assessment roll of the same.

May extend
time of pay-
ment of
bonds.

Proviso.

Sec. 3. It shall be lawful for said city to borrow any sum of money to be used exclusively for the purpose of constructing and maintaining water works, as provided in the two preceding sections: Provided, That the total sum borrowed and raised by tax shall not exceed six per cent of the assessed valuation of the city, as contained in the last preceding assessment roll of the same, and the rate of interest shall not exceed six per cent upon the indebtedness contracted under the provisions of this charter. The council shall have the power to fix the time and place of payment of the principal and interest voted under the provisions of this charter, and to issue the bonds or other evidence of indebtedness of the city.

City may
borrow money
for water
works.

Proviso.

Council may
issue bonds.

This act is ordered to take immediate effect.

Approved March 16, 1905.

[No. 399.]

AN ACT to revise the charter of the city of Jackson, and to repeal all acts or parts of acts inconsistent herewith.

The People of the State of Michigan enact:

TITLE I.

INCORPORATION—WARD BOUNDARIES.

SECTION 1. The municipal corporation known as the city of Jackson shall continue to be a municipal corporation and by that name may contract, and be contracted with, sue and be sued, plead and be impleaded, complain and defend in any court of competent jurisdiction, and may have a common seal and may alter the same at pleasure, and may take, hold, purchase, have, appropriate, lease, convey and dispose of any real and personal estate for the use of the corporation for corporate purposes, and shall have, exercise and enjoy such pow-

ers of local, legislative and administrative character as are conferred by this act.

Name
boundaries.

SEC. 2. So much of the county of Jackson as is embraced in the east half of section thirty-three, sections thirty-four and thirty-five, the west half of section thirty-six, the southwest quarter of section twenty-five, the south half of sections twenty-six and twenty-seven, and the southeast quarter of section twenty-eight, all in township two south, of range one west, and in the west half of section one, sections two and three, the east half of section four, the northeast quarter of section nine, the north half of sections ten and eleven, and the northwest quarter of section twelve, all in township three south, of range one west, is hereby declared to be a city by the name of the "City of Jackson," by which it shall be hereafter known.

Wards.

SEC. 3. Said city shall be divided into eight wards, the boundaries of which shall be as follows:

First.

First, The first ward shall embrace all that portion of the city bounded as follows: On the north by the northern boundary of the city extending from the center of Lansing avenue to the center of Grand river; on the east beginning at a point where the northern boundary of the city crosses the center of Grand river; thence south along the center of Grand river to the center of Ganson street; thence east along the center of Ganson street to the center of Mechanic street; thence south along the center of Mechanic street to the center of Main street; on the south by the center of Main street; on the west by the center of Blackstone street from the center of Main street to the center of Lansing avenue; thence north and northwest along the center of Lansing avenue to the northern boundary of the city.

Second.

Second, The second ward shall embrace all that portion of the city bounded as follows: On the north by the city boundary, on the east by the first ward, on the south by the center of Main street, on the west by the city boundary.

Third.

Third, The third ward shall embrace all that portion of the city bounded as follows: On the north by the center of Main street, on the east by the center of First street and the continuation thereof to the city boundary, on the south by the city boundary, on the west by the city boundary.

Fourth.

Fourth, The fourth ward shall embrace all that portion of the city bounded as follows: On the north by the center of Main street, on the east by the center of Mechanic street, from the center of Main street to the center of Morrell street; thence east along the center of Morrell street to the center of Chittock avenue; thence south along the center of Chittock avenue and the continuation thereof to the city boundary; on the south by the city boundary and on the west by the third ward.

Fifth.

Fifth, The fifth ward shall embrace all that portion of the city bounded as follows: On the north by the center of Main

street from the center of Mechanic street to the center of Michigan avenue; thence southeast along the center of Michigan avenue to the center of Liberty street; thence east along the center of Liberty street to the center of Grand river; thence southeasterly along the center of Grand river and the Jackson mill pond to the eastern boundary of the city; thence south along the said east boundary to the south boundary of the city; thence west along the city boundary to the fourth ward, and on the west by the fourth ward.

Sixth, The sixth ward shall embrace all that portion of the Sixth. city bounded as follows: On the north by the center of Main street, on the east by the city boundary, on the south and west by the fifth ward.

Seventh, The seventh ward shall embrace all that portion Seventh. of the city bounded as follows: On the north by the center of Ganson street, on the east by the city boundary, on the south by the center of Main street, on the west by the center of Mechanic street.

Eighth, The eighth ward shall embrace all that portion of Eighth. the city bounded as follows: On the north by the city boundary, on the east by the city boundary, on the south by the center of Ganson street, on the west by the center of Grand river.

TITLE II.

ELECTORS AND REGISTRATION—(A.) ELECTORS.

SECTION 1. The inhabitants of said city having the quali- Where to vote. fications of electors under the constitution of the State, and no others, shall be electors therein, and every elector shall vote in the ward or precinct where he shall have resided during the twenty days next preceding the day of election. The residence of any elector not being a householder shall be deemed to be in the ward or precinct in which is located his regular place of lodging. Residence

(B.) REGISTRATION.

SEC. 2. The aldermen of the city shall constitute a board Board of. of registration thereof.

SEC. 3. The registration of electors shall be had and made When, how made, etc. in accordance with the general laws of the State in force at the time of such registration. The board of registration at their session previous to the general election, in the year nineteen hundred eight and in every fourth year thereafter shall make a registration of the qualified electors of their respective wards in books of the form prescribed by law. When such new registry of electors shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward or precinct after such registration, un-

Notice. less his name shall be registered in such new registry. Notice that such registration is required to be made, shall be given in like manner as and with the notice of the meeting or session of the board at which it is to be made.

TITLE III.

ELECTIONS.

Annual. SECTION 1. An annual city election shall be held on the first Monday in April in each year at such place in each precinct of the several wards of the city as the council shall designate.

Special. SEC. 2. Special elections may be appointed by resolution of the council and held in and for the city or in and for any ward or wards thereof at such times and place or places as the council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election.

Inspectors, how and by whom notified. SEC. 3. Whenever a special election is to be held the council shall by resolution direct the recorder to deliver to the inspectors of election in the ward or wards where the same is to be held, a notice signed by him specifying the officer or officers to be chosen, the proposition or propositions, if any, to be submitted to the vote of the electors and the day and place at which such election is to be held, and the proceedings and manner of holding such election shall be the same as in annual elections.

Notice when published, etc. SEC. 4. Notice of the time and place or places of holding any election and of the officers to be elected and the propositions to be voted upon shall, except as herein otherwise provided, be given by the recorder at least eight days before any such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a daily newspaper published in said city the same length of time before the election, and in case of a special election the notice shall set forth the purpose and object of such special election as fully as the same is required to be set forth in the resolution appointing the same.

Ballot boxes, machines, by whom kept. SEC. 5. The council shall provide and cause to be kept by the recorder for use at all elections suitable ballot boxes of the kind required by law to be kept for use in townships, and such voting machines as may be authorized by law and adopted by the council, said voting machines to be kept by the city electrician as hereinafter provided.

Opening and closing of polls. SEC. 6. On the day designated for the holding of any election in said city the polls shall be open in each ward at the several places designated by the council at seven o'clock in the morning, or as soon thereafter as may be, and shall be

kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls.

SEC. 7. It shall be the duty of the common council at least one week before every election to appoint four inspectors of election for each voting precinct in the city and designate the precinct to which they are respectively assigned, and select one member of such board to be the chairman thereof, and no more than two members of each of said boards shall belong to any one political party; two of the members of each board of election inspectors shall act as clerks of election.

Appointment
of inspectors
of election.

Clerks.

SEC. 8. If at the time of the opening of the polls of such election such inspectors so appointed, or any of them, shall not be present, prepared to act in such capacity, the electors in such precinct may choose viva voce such number of electors as with the inspectors present shall constitute a board of four in number, and such electors so chosen shall be inspectors at that election, and shall have the same power and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes as are conferred by law upon the inspectors of general elections held in the State.

When in-
spectors not
present at
opening of
polls.

SEC. 9. In case the chairman shall be absent or refuse to serve, said inspectors shall choose one of their number as chairman of the board. They shall assign the duties of the board among the members thereof and each inspector shall take the constitutional oath of office which may be administered by any member of said board.

Absence of
chairman.

Oath.

SEC. 10. All elections held under the provisions of this act shall be conducted as nearly as may be in the manner provided by law for holding general elections in the State, except as herein otherwise provided, and the canvass of the votes cast at such election shall be made in accordance with the provisions of such law governing general elections. And all the provisions of this title shall apply as well to elections held within said city under the general election laws of this State as to the municipal elections herein provided for. All provisions of law governing elections in cities not contrary to the provisions hereof shall apply to all elections herein provided for.

Conduct of
elections.

SEC. 11. All laws affecting the vote by voting machines and directing and controlling the manner of such vote at any election shall be, so far as the same are applicable, operative in all elections held pursuant to the provisions of this charter.

Laws affecting
voting mach-
ines to be
operative.

SEC. 12. The council shall convene on Thursday next succeeding each annual election at their usual place of meeting and determine the result of the election upon each question and proposition voted upon and what persons were duly elected at such election to the several offices respectively, and thereupon the recorder, by order of the common council, shall make duplicate certificates under the corporate seal of the

Result of
election, how
determined.

Certificates, by
whom made,
where filed.

city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, and the other shall be filed in the office of the recorder. At special elections such determination and canvass shall be had at the next regular meeting of the council thereafter.

Who deemed
elected.

Tie.

SEC. 13. The person receiving the greatest number of votes for any office in the city or ward, shall be deemed to have been duly elected to such office, and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall at its meeting first mentioned in the preceding section determine by lot between such persons who shall be considered elected to such office.

Recorder to
notify person
elected.

SEC. 14. It shall be the duty of the recorder within two days after the meeting and determination of the council to notify each person elected, in writing, of his election, and the recorder shall also, within two days after the council shall appoint any person to any office in like manner notify such person of such appointment.

To report to
council oaths
and bonds not
filed.

SEC. 15. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, or at the next regular meeting of the council thereafter, the recorder shall report in writing to the council, the names of the persons elected or appointed to any office who shall have neglected to file such oath and requisite bond for security for the faithful performance of the duties of the office.

TITLE IV.

ELECTION AND APPOINTMENT OF OFFICERS—(A.) ELECTIVE OFFICERS.

Officers
elected.

SECTION 1. The following officers shall be elected from among the electors of the city, namely, a mayor, recorder, city attorney, treasurer, a justice of the peace and a police judge. In each ward a supervisor and two aldermen shall be elected from the electors of said ward.

(B.) APPOINTIVE OFFICERS.

Appointed.

SEC. 2. The following officers shall be appointed by the mayor with the advice and consent of the common council, as provided in section four of title six, viz.: A city physician, overseer of the poor, weighmaster, poundmaster and three assessors, one of whom shall be appointed for the term of three years in the year nineteen hundred five, and annually thereafter one of said assessors shall be appointed for the term of three years. A chief of police shall be appointed by the board of police commissioners and shall hold his office during the

pleasure of said board. A chief of the fire department and a city electrician shall be appointed by the board of fire commissioners and shall hold their respective offices during the pleasure of said board. A superintendent of parks and cemeteries shall be appointed by the board of park and cemetery commissioners, and shall hold his office during the pleasure of said board. A superintendent of public works, a city engineer, a street commissioner and a chief engineer at the water works shall be appointed by the board of public works and shall hold their respective offices during the pleasure of said board. A sanitary inspector shall be appointed by the board of health and shall hold his office at the pleasure of said board.

SEC. 3. The council may also from time to time provide by ordinance for such minor officers, whose election or appointment is not herein specifically provided for, as the council shall deem necessary for the execution of the powers herein conferred, and such ordinance shall provide for the removal of such appointee at pleasure. The powers, duties and terms of office of all such minor officers shall be prescribed by ordinance.

Minor offices.

Powers, etc.

SEC. 4. Appointments to the office of city physician, overseer of the poor, weighmaster and poundmaster, except appointments to fill vacancies in such offices, shall be made on the first Monday in May of each year. Appointments which for any cause shall not be made on the days stated in this section, or other section of this charter, may be made at any subsequent regular meeting of the council or board, as the case may be, a majority of the aldermen elect or a majority of the board, as the case may be, being necessary to confirm any nomination.

Appointments, when made.

SEC. 5. The mayor shall hold his office for the term of two years from and including the first Monday in May of the year when chosen and until his successor is elected and qualified and enters upon the duties of his office. The city attorney shall hold his office for the term of two years from and including the first Monday in May of the year when elected, and until his successor is elected and qualified and enters upon the duties of his office.

Mayor, city attorney, term, etc.

SEC. 6. The recorder and treasurer shall hold their offices for the term of two years from and including the first Monday in May of the year when elected and until their successors are elected and qualified and enter upon the duties of their offices. No person shall hold the office of city treasurer for more than two consecutive terms.

Recorder and treasurer.

SEC. 7. A justice of the peace shall be elected at the annual charter election in the year nineteen hundred seven, and every fourth year thereafter, for the term of four years from and including the fourth day of July next after his election, and shall hold his office until his successor qualifies and enters upon the duties of his office. Such justice of the

Justice of peace, when elected, term.

Qualifications.

peace shall be an attorney and counselor at law, and shall have been admitted to practice his profession in all the courts of this State.

School in-
spectors.

SEC. 8. The members of the board of education of Union School District of the city of Jackson shall be ex officio school inspectors of the city and perform all the duties appertaining to said office; and supervisors shall be elected annually for the term of one year from the first Monday in April of the year when elected and until their successors are qualified and enter upon the duties of their office.

Supervisors.

Aldermen.

SEC. 9. One alderman shall be elected annually in each ward for the term of two years from and after the third Monday in April in the year when elected and until his successor is qualified and enters upon the duties of his office.

Other officers,
appointments
of.

SEC. 10. The city physician, overseer of the poor, weigh-master and poundmaster shall be appointed for the term of one year from and after the first Monday in May when appointed and until their successors are qualified and enter upon the duties of their offices.

Eligibility to
office.

SEC. 11. No person shall be elected or appointed to any city office unless he be an elector of the city, and if elected or appointed for a ward he must be an elector thereof, and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city, or to any board or officer thereof, or to any school district, county or other municipal corporation of the State.

Oath of
justice, where
filed, etc

SEC. 12. The justice of the peace elected in said city shall take and file an oath of office with the county clerk of the county of Jackson, within the same time and in the same manner as in cases of justices of the peace elected in townships.

Other officers.

All other officers elected or appointed in the city shall within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the recorder.

Bonds of
justices, by
whom ap-
proved, where
filed, etc.

SEC. 13. The justice of the peace within the time limited for filing his official oath shall file with the county clerk of said county the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships, except that said official bond or security may be executed in the presence of, and approved by the mayor, and in case he shall enter upon the execution of the duties of his office before having filed his official oath and bond, or security and such other bond, or security to the city as may be required by law or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships.

Other officers.

And every other officer elected or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the recorder such bond or security as may be required by law, or by any ordinance or requirement of the council and with

such sureties as shall be approved by the council for the due performance of the duties of his office, except that the bond or security of the recorder shall be deposited with the city treasurer.

SEC. 14. The council or the mayor or other officer whose duty it is to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council shall inquire into the sufficiency of such sureties and examine them under oath as to their property. Such oath shall be administered by the mayor or any alderman or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed and sworn to by him and annexed to and filed with the bond or instrument to which it relates. Examination of sureties. Oath.

SEC. 15. The council may also at any time require any officer, whether elected or appointed, to execute and file with the recorder new official bonds, in the same or in such further sums, and with new or such further sureties, as the council may deem requisite for the interests of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council. Council may require new bonds.

SEC. 16. Resignations of officers shall be made to the council or to the board or body having the appointing power. If any officer shall cease to be a resident of this city, or if elected in and for any ward shall remove therefrom, during his term of office, the office shall be thereby vacated. If any officer shall be a defaulter in office, the office shall be thereby vacated. Resignations, etc.

SEC. 17. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant unless previous to such declaration he shall file the oath and give the requisite bonds or security. Failure to file bond vacates office.

SEC. 18. A vacancy in the office of any elective officer, except supervisor occurring more than ninety days before an annual city or general election shall be filled by a special election, and any such vacancy occurring within ninety days before an annual city or general election, and vacancies in the office of supervisor shall be filled at the next annual city or general election, but the council may appoint some person to fill the vacancy until the person who shall be elected to the office in which the vacancy occurs shall be qualified and enter on the duties of the office. Vacancy in any appointive office shall be filled by appointment by the council, board, body or officer having the power of original appointment within twenty days after the vacancy occurs, such appointment being made upon nomination of the officer or board having the power of original nomination. Vacancy in elective office, how filled. In appointive.

Removal not
to exonerate
officer from
liabilities.

SEC. 19. Neither the resignation nor removal of any officer nor the appointment or election of another to the office shall exonerate such officer or his sureties from any liability incurred by him or them.

To deliver
books, etc.,
to successors.

SEC. 20. Whenever any officer shall resign or be removed from office or the term for which he shall have been elected or appointed shall expire he shall on demand deliver over to his successor in office all the books, papers, moneys or evidences of value and effects in his custody as such officer and in any way appertaining to his office, and every person violating this provision shall be deemed guilty of misdemeanor and may be proceeded against in the same manner as public officers generally for like offense under the general laws of this State now or hereafter in force, and applicable thereto, and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of the general laws of the State.

Penalty.

TITLE V.

DUTIES AND COMPENSATION OF OFFICERS.

Mayor,
duties, etc.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall from time to time give the council information concerning the affairs of the corporation and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government and to see that the laws relating to the city and the ordinances and regulations of the council are enforced.

To be con-
servator of
peace.

SEC. 2. The mayor shall be a conservator of the peace and as such may exercise within the city powers conferred upon sheriffs to suppress disorder and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the council and to suppress riot and disorderly conduct.

May suspend
officer.

SEC. 3. The mayor may suspend any appointive officer at any time and shall report such suspension to the officer, board or body having the power of appointment or confirmation of such officer, at the next meeting of such board or body and shall state his reasons for such suspension in such report. The mayor may also suspend any clerk or subordinate employee of the city, for neglect of duty or for other cause, and shall report such suspension to the officer, body or board having the power of appointment of such clerk or subordinate employee, and state his reasons for such suspension. Such suspension shall continue until the officer, body or board having the power of appointment shall act thereon.

May examine
books, etc.

SEC. 4. The mayor shall have authority at all times to examine and inspect the books, records and papers of any de-

partment of the city government or any agent, employee or officer of the corporation and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

SEC. 5. The mayor shall be ex officio a member of the following administrative boards: Board of public libraries, board of park and cemetery trustees, board of city hospital, and as such member may act with such boards in all particulars the same as the regularly appointed members thereof.

Ex-officio
member cer-
tain boards.

SEC. 6. The mayor shall receive an annual salary of one thousand dollars, payable monthly.

Salary.

SEC. 7. In the absence or disability of the mayor or in the event of any vacancy in his office, the president of the council shall perform the duties of mayor during such absence, disability or vacancy.

Who to act in
absence of
mayor.

RECORDER.

SEC. 8. The recorder shall be the custodian of all the documents, official bonds, contracts, papers, files and records of the city not by this act or the ordinances of the council intrusted to some other officer, and shall keep the corporate seal. He shall be clerk of the council but shall have no vote therein. He shall also act as secretary of the board of public works and of the board of fire commissioners, as the clerk of the board of park and cemetery commissioners, and secretary or clerk of such other boards of the city as the council may from time to time direct. He shall attend the meetings of the common council and the meetings of the boards of which he may be clerk or secretary and record all their proceedings, ordinances and resolutions, and shall countersign and register all licenses granted. He shall, when required, make and certify under the seal of the city copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained to the same extent that the original would be. He shall possess and exercise the powers of a township clerk so far as the same are required to be performed within the city, and he shall have authority to administer oaths and affirmations. He shall be the custodian of the ballot boxes, tickets and all property, except voting machines, pertaining to elections, which shall be by law required to be kept or furnished by said city.

Custodian of
records, etc.

Secretary of
certain boards.

Custodian of
ballot boxes,
etc.

SEC. 9. The recorder shall be the general accountant of the city and all claims against the corporation shall be filed with him for adjustment; after examination thereof he shall report the same with all accompanying vouchers and counter claims of the city and the true balance as found by him, to the council, for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, desig-

To be general
accountant.

nating thereon the fund from which payment is to be made and take proper receipts therefor, but no warrant shall be drawn upon any fund after the same has been exhausted. No warrant shall be valid until countersigned by the mayor. When any tax or money shall be levied, raised or appropriated the recorder shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

Keep books,
countersign
bonds etc.

SEC. 10. The recorder shall have charge of all books, vouchers, and documents relating to accounts, contracts, debts and revenues of the corporation. He shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities. He shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities with a proper classification thereof and showing the purpose for which each fund was raised. He shall keep an account with the treasurer in which he shall charge said treasurer with all the tax and assessment rolls of the city and all rolls for water rates that may be placed in the hands of said treasurer, for collection, and with all moneys received from any source for each of the several funds of the city, and credit said treasurer with all the warrants drawn thereon that may be paid by him, keeping a separate account with each fund. When any fund has been exhausted the recorder shall immediately advise the council thereof.

When to
report to
council.

SEC. 11. The recorder shall report to the council on the first Monday of each month a statement showing the condition of all the funds of the city, and whenever required a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require. The recorder shall receive an annual salary of sixteen hundred dollars, payable monthly, which shall be in full for all services rendered by him except the fees to which he may become entitled for filing chattel mortgages and bills of sale intended as securities, and renewals of the same. Also such fees as he may become entitled to as a witness for private parties or for making copies of papers in his office and certifying the same at the instance of parties not connected with the city government.

Salary.

Fees.

May appoint
deputy.

SEC. 12. The recorder shall appoint a deputy recorder who shall have and exercise in the absence or disability of the recorder all the powers and duties of the recorder. He shall hold his office during the pleasure of the recorder, and shall receive an annual salary of nine hundred dollars, payable monthly: Provided, That in case of a permanent vacancy in the office of the recorder, from death or other cause, the

Proviso.

deputy recorder shall receive the salary provided for the recorder, upon furnishing the bond required by law, until such vacancy shall be filled as provided by law.

TREASURER.

SEC. 13. The treasurer shall be the collector of all taxes and assessments levied within the city, and of the State and county taxes upon property therein, and he shall perform all such duties in relation to the collection of taxes and assessments as the council shall prescribe. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city. He shall receive all money belonging to and receivable by the corporation and the receipt of any other officer than the treasurer will not be valid as against the city, except as herein otherwise provided, or as the common council may hereinafter by ordinance direct. He shall pay no money out of the treasury except in pursuance of and by authority of law and upon warrants signed by the recorder, and countersigned by the mayor which shall specify the purpose for which the amounts thereof are to be paid. He shall cancel such warrants when paid by writing or stamping across the face thereof the word "paid," and the date of payment, and enter in a book to be kept by him the number, date, amount and time of payment of such warrant and the name of the payee named therein. He shall keep an account of and be charged with all taxes levied and all water rate rolls, and all money appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund against which the warrant was issued, having the name of such fund endorsed thereon by the recorder. Duties, etc.

SEC. 14. The treasurer shall render to the council on the first Monday of every month, and oftener if required, a report of the amounts received and credited to him by each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report, and at the time of rendering such report shall exhibit to the recorder vouchers for all moneys so paid out during such preceding month. He shall also exhibit to the council annually on the first Monday in March and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made and the balance remaining in each fund, which accounts shall be To report to council.

filed in the office of the recorder and shall be published in the official newspaper of the city.

To keep
moneys
separate.

When to
pay orders.

Penalty.

Salary.

Proviso.

SEC. 15. The treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own, and he is hereby prohibited from using either directly or indirectly the moneys of the corporation, warrants or evidences of debts in his custody or keeping for his own use or benefit or that of any other person. He shall not pay from the funds of the city any order unless from the particular fund against which said order is drawn, nor without direct authority from the council, by unanimous vote and approval of the mayor, transfer any money from one fund to another. Any violation of this section shall subject him to immediate removal from office by the city council, which is hereby authorized, upon proof thereof, to declare the office vacant and to appoint or order the election of his successor as herein elsewhere provided.

SEC. 16. The treasurer shall be compensated by an annual salary of thirty-five hundred dollars, payable monthly, which shall be in full for all services rendered in the office of city treasurer, except his services in collecting State, county and school taxes as to which he shall be entitled to the fees provided for by the general laws of this State, and all other fees, which under this act or any ordinance of the city shall be payable to or collected by said treasurer shall belong to said city and be reported to the recorder by him and credited to the proper fund: Provided, That in case he shall be required to collect under the laws authorizing the construction of drains or any other law, any sum or sums from the said city or any ward by reason of assessments, other than against particular lands or persons, then he shall deduct from the amount to be collected such sum or sums as he would otherwise be entitled to retain for his fees and turn the same into the city treasury.

ALDERMEN.

Duties, etc.

Idem.

Salary.

SEC. 17. The aldermen of the city shall be members of the council and shall be required to attend all sessions of the council and to serve upon committees whenever appointed thereon; but no alderman shall vote upon any question in which he shall have a direct personal interest, but on all other questions he shall vote unless excused therefrom by a vote of two-thirds of the aldermen present.

SEC. 18. The aldermen shall be conservators of the peace and as such they shall aid in maintaining quiet and good order in the city and in securing the faithful performance of duty by all officers of the city. No alderman shall hold any other city office while holding the office of alderman. Each alderman shall receive an annual salary of seventy-five dol-

lars to be paid quarterly by the city treasurer upon a pay roll certified by the recorder and approved by the mayor.

CITY ATTORNEY.

SEC. 19. The city attorney, in addition to the other duties prescribed in this act shall be the legal adviser of the council, and of all officers of the city and shall act as attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested. He shall prosecute offenses against the ordinances of the city and shall attend all meetings of the common council and the meetings of the board of public works when required.

Legal adviser.

Prosecute offenses.

SEC. 20. Said attorney shall receive an annual salary of twelve hundred dollars, payable monthly, which sum shall be in full for all services rendered by him as such attorney for said city.

Salary.

SCHOOL INSPECTORS.

SEC. 21. The members of the board of education of the Union School District of the city shall be ex officio the school inspectors of the city and shall perform such duties in and for the city and for the public schools as are required of school inspectors elected in townships so far as such duties are applicable or shall be required under this act.

Duties, etc.

SUPERVISORS.

SEC. 22. The supervisor of each ward of the city is hereby authorized to perform the same duties in and for his ward that the supervisors of townships under the general laws of the State are required to perform, in relation to the assessing of property and levying of taxes for State, county and school purposes, and they shall also issue the warrant to the treasurer of said city for the collection of such taxes in the same manner as the supervisors of townships issue warrants to the treasurers of townships for the collection thereof. Said supervisors shall represent their several wards on the board of supervisors of the county of Jackson, and shall be entitled to all the rights, privileges, powers and compensation of members of said board of supervisors while acting thereon. They shall select and return lists of grand and petit jurors to the clerk of the county in the same manner and within the same time as the like duty is required to be performed by supervisors in townships, and shall have such power and perform such duties as shall be prescribed by this act.

Duties, etc.

To return lists of jurors.

JUSTICE OF THE PEACE.

How elected.	<p>SEC. 23. The justice of the peace to be elected in said city, shall be elected in the manner that justices of the peace are now elected in said city: Provided, That no election for justice of the peace, except to fill any vacancy that may occur, shall be held in said city until the year nineteen hundred seven, and the office of the justice of the peace whose term expires on the fourth of July, nineteen hundred eight, is hereby abolished from and after the last named date. The files, records, and dockets appertaining to the office of justice of the peace in said city abolished by this act, shall be transferred to and kept by the other justice whose election is herein by this act provided for, and such justice is empowered to issue execution according to law upon judgments appearing upon such dockets so transferred to him with the same effect as if such judgment had been rendered by him. The justice of the peace elected in said city under the provisions of this act shall have and exercise therein and within the county, the same jurisdiction and powers in all civil cases, suits and proceedings as are or may be conferred upon, or required of justices of the peace by the general laws of the State: Provided, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justice's court, whenever the plaintiffs or defendants or one of the plaintiffs or defendants reside in either the said city or the townships of Summit, Blackman, Leoni, Spring Arbor or Sandstone in said county. The proceedings in all suits, actions and prosecutions before the said justice and in the exercise of the powers and duties conferred upon and required of him shall, except as otherwise provided in this act, be according to and be governed by the general laws applicable to courts of justices of the peace and to the proceedings before such officers.</p>
Proviso as to abolishing one office.	
Powers, etc., of justice.	
Proviso.	
Salary, fees.	<p>SEC. 24. Said justice of the peace, to be elected in nineteen hundred seven and thereafter, shall receive from the treasurer of the city an annual salary to be fixed by the council of not less than eight hundred dollars nor more than one thousand two hundred dollars, which salary shall be in lieu of all fees, costs and charges to which said justice would be entitled, but for the provisions of this act; except fees for the performance of marriage ceremonies, for taking acknowledgments and for administering oaths in matters not connected with suits or proceedings in courts in said city; such salary shall be paid to said justice in monthly installments as other officers of said city are paid; said justice shall be in attendance at his office on all days except Sundays and legal holidays, from the hour of nine o'clock in the forenoon until noon and from the hour of one o'clock until five o'clock in the afternoon. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions</p>
Office hours.	
Duty as to docket.	

commenced before him and all the proceedings and the judgment rendered in every cause and the items of all costs taxed or allowed therein and also the amounts and date of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same and shall be produced by the justice to the council whenever required.

SEC. 25. Before any civil action or proceeding, except proceedings in garnishment, shall be commenced in said justice court, there shall be paid to said justice by the party commencing the same, an entry fee of one dollar, and before the trial of any such action or proceeding shall be commenced, such party shall pay a judgment fee of two dollars, except in default cases, when such judgment fee shall be one dollar. But in case of nonsuit before the commencement of trial, no judgment fee shall be required. Proceedings in garnishment shall be treated as part of the principal cause, and no additional fee shall be required therein, except when an issue of fact shall be joined in respect to the liability of a garnishee or garnishees; in such cases a judgment fee of two dollars shall be paid before such trial shall commence. The fees provided for in this section shall be in full for all services and proceedings by and before said justice, and include the issuing of execution upon judgment therein, and shall be taxed in favor of the party paying the same if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing of the execution, or for the purpose of staying proceedings, or removing causes to an appellate court, there shall be paid to the said justice the fees provided by law. All costs, fees and moneys for services collected or received by said justice of the peace for or on account of the business of his office except as herein otherwise provided, shall be paid over by said justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof. And the justice shall take the receipt of the city treasurer therefor and file the same with the recorder. The fees of witnesses, jurors, sheriffs and constables shall be paid to the persons respectively entitled thereto under the general laws of the State.

Civil actions,
when com-
menced, etc.

Garnishment
proceedings,
how treated.

Costs, etc., to
whom paid.

SEC. 26. If a party to a cause before any of said justices shall demand a trial by jury, he shall pay the fees therefor in advance, and the sum shall be disposed of by the justice in the manner now provided by law and the moneys paid for jurors shall be taxed as costs in favor of the party paying the same if he be the prevailing party in the suit, in addition to such other costs as he may be entitled to recover. In criminal cases the same costs shall be collected and in the same manner as in such proceedings before justices of the peace in townships.

Trial by jury,
etc.

Unlawful to act as counsel. SEC. 27. It shall be unlawful for said justice of the peace to act as counsel, agent or attorney for any party in any matter, suit or proceedings, within the jurisdiction of said court. A violation of this provision shall be deemed misconduct in office and shall be deemed sufficient cause for removal from office of the said justice.

Penalty.

Penalty for misconduct in office. SEC. 28. Any justice of the peace who shall be guilty of misconduct in office, and who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act or by any of the ordinances of the city, shall be deemed guilty of a misdemeanor and punishable accordingly, and upon conviction thereof, by a court of competent jurisdiction may be suspended from office by the council during its pleasure.

Report to council. SEC. 29. Every justice of the peace shall account on oath to the council at its first meeting in each month, for all such moneys, goods, wares and property seized as stolen property as shall then remain unclaimed at his office, and shall make such disposition thereof as shall be prescribed by the council.

Powers, duties of other officers. SEC. 30. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient and prescribe by ordinances or resolution.

Compensation, council to determine. SEC. 31. The overseer of the poor, weighmaster, poundmaster, superintendent of public works, city electrician and all officers elected or appointed, in and for said city, whose salary or compensation is not herein provided for shall each receive such compensation as the council shall determine. School inspectors shall serve without compensation where there shall be a county superintendent of schools or other board for the examination of teachers and issuing of certificates to teach. Officers serving process and making arrests, except as herein provided, when engaged in causes and proceedings in violation of the ordinances of the city shall charge and receive such fees as are allowed to those officers for like services by the general laws of the State.

Salaries, increasing of. SEC. 32. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during the term of office, except by a two-thirds vote of all aldermen elect; and no person who shall have resigned or vacated any office, shall be eligible to the same office, during the term for which he was elected or appointed, when, during the same time, the salary or rate of compensation has been increased.

Penalty for neglect of duty. SEC. 33. Every officer of the city who shall wilfully neglect or refuse to perform any duty prescribed by the terms of this charter, the provisions of any ordinance, or of any statute of the State, shall be deemed guilty of a misdemeanor,

and on conviction thereof shall be fined not exceeding the sum of one hundred dollars, or imprisoned in the county jail not exceeding ninety days; and shall forfeit his office, which shall be deemed to be vacant from the date of said conviction.

SEC. 34. No witness fee shall be allowed or paid to any city officer or employe for attendance as a witness on any trial or proceeding on behalf of the city, unless his attendance as a witness shall create a diminution of his salary or compensation. Witness fee.

TITLE VI.

THE COMMON COUNCIL. POWERS AND DUTIES.

SECTION 1. The legislative authority of the city shall be vested in a common council, consisting of the aldermen from each ward, and the recorder, or in his absence the deputy recorder, or in the absence of both recorder and deputy recorder, of an alderman to be chosen by the council. How composed.

SEC. 2. On the third Monday in April of each year, or at some subsequent meeting, the common council shall, by a majority of the aldermen elect, appoint one of its number its president, who shall preside at the meetings thereof. He shall have a vote upon all questions. In the absence of the president, the council shall designate by a like vote one of its number to preside and for the time being he shall exercise the powers and duties of president. President, when appointed.

SEC. 3. The council shall be judge of the election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe; not less than two of which shall be held in each month. The mayor, the president of the council, or any seven members of the council may call special meetings thereof, notice of which in writing shall be given to each alderman or be left at his place of residence at least six hours before the meeting. Regular meetings. Special.

SEC. 4. All meetings and sessions of the council shall be public. A majority of the aldermen elect shall form a quorum for the transaction of business but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein be purchased, leased, sold or disposed of, or proceedings instituted to take private property for public use, unless by ordinance or resolution of the common council, and a concurring vote of two-thirds of all the aldermen elect, nor shall any vote of the council be reconsidered or rescinded unless there be present as many aldermen as were present when such vote Quorum. Two thirds vote.

Majority.	was taken. No money shall be appropriated except by ordinance or resolution of the council. No resolution or ordinance shall be passed or adopted, nor appointment made or confirmed, except by a vote of a majority of all the aldermen elect, except as herein otherwise provided.
Rules, votes, etc.	SEC. 5. The council shall prescribe the rules of its own proceedings and keep a record or journal thereof. All votes shall be taken by yeas and nays when by the provisions of this act a two-thirds vote is required and also when called for by any member of the council, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative: Provided, That in cases of
Proviso.	appointment of officers and fixing of salaries, the vote shall be by ballot. Within one week after any meeting of the council all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.
May compel attendance of members.	SEC. 6. The council may compel the attendance of its members and other officers of the city at its meeting in such manner and may enforce such fines for non-attendance as may by ordinance be prescribed, and by ordinance prescribe punishment for any misbehavior, contemptuous and disorderly conduct by any member or any person present at any session of the council.
Officers to attend meetings.	SEC. 7. The city attorney, chief of police, chief engineer of the fire department and such officers as may be appointed by the board of public works, shall attend the meetings of the council and shall give opinions and information on all subjects relating to their respective departments when required, subject to such rules and fines for non-attendance as the council shall from time to time prescribe. Said officers may be compelled to attend the meetings of the council in the same manner as members and in addition to the services specifically required of them by this charter they shall perform such other services within the scope of their respective offices as the council may by ordinance require.
To control finances, etc.	SEC. 8. The council shall have control of the finances and of all the property, real and personal, of the city, except as may be otherwise provided by this act.
May enact ordinance.	SEC. 9. Whenever by this act, or by any other provision of law any power or authority is vested in, or duty imposed upon the corporation or council, the council may enact such appropriate ordinance as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.
Standing committees.	SEC. 10. The council may provide by ordinance for the appointment of standing committees of its members who shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to them. Such committees shall be appointed by the president of the council.
Records, where kept, inspection of.	SEC. 11. The council shall cause all the records of the corporation, and all proceedings of the council and all books,

documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city or to the official acts of any officer of the corporation, unless required by law or by this act to be kept elsewhere, to be deposited and kept in the office of the recorder, and to be so arranged, filed and kept as to be convenient of access and inspection, and all such records, books and papers, shall be subject to inspection by any inhabitant of the city or other person interested therein at all seasonable times, except such parts thereof as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall wilfully secrete, injure, deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the county jail not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Penalty for altering, etc.

SEC. 12. No member of the council or any administrative board or officer of the corporation shall be interested directly or indirectly in the profits of any contract, job, work or services, other than official services, to be performed for the corporation. Any member of the council or officer of the city herein specified offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

Members not to be interested in contracts.

Penalty.

SEC. 13. Any person, except a member of the board of public works, appointed to office by the council by authority of this act, may be removed therefrom by a vote of a majority of the aldermen elect together with the consent of the mayor. And the council may remove from office for cause any member of the board of public works, or any member of any other board of said city by a concurring vote of two-thirds of the aldermen elect. In case of elective officers other than aldermen, provision shall be made by ordinance for preferring charges and trying the same and no removal of any officer other than aldermen shall be made unless a charge in writing is preferred and an opportunity given to make a defense thereto: Provided, That the provisions of this section shall not apply to the mayor, justice of the peace, or the police justice.

Removal from office.

Proviso.

SEC. 14. To enable the council to investigate the charges against any officer, or such other matters as they may deem necessary to investigate, the mayor or any justice of the peace of the city is empowered to, and shall at the request of the council issue subpoena or process of warrant to compel the attendance of persons and the production of books and papers before the council or any committee thereof.

When may subpoena persons.

Who may
administer
oaths.

SEC. 15. Whenever the council or any committee of the members thereof is authorized to compel the attendance of witnesses for the investigation of matters which may have come before them, the presiding officer of the council or chairman of such committee for the time being shall have power to administer the necessary oaths to witnesses in such proceedings, and such council or committee shall have the same power to compel the witness to testify as is conferred on justices of the peace.

Duty of council
as to claims
and accounts

SEC. 16. The council shall audit, pass upon and allow or reject all accounts and claims against the city, whether arising out of contract or of tort, and when required by the council every claim arising out of contract shall be accompanied with an affidavit of the person rendering it to the effect, that he believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists or payment has been made on account thereof, except such as are endorsed on or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each and every claim for unliquidated damages, shall so far as possible state in detail, the time, place and cause of the alleged injury for which damages are claimed. All claims whether arising out of contract or tort, shall be presented to the common council for consideration within six months after the cause of action in each case has arisen. It shall be a sufficient defense to any action for the collection of any demand or claim against the city, that it has not been presented to the council for allowance as hereinbefore provided, or that the claim was presented without the affidavit aforesaid, and rejected for that reason, or that the action or proceeding was brought before the council had a reasonable time after the presentation of the claim to investigate and pass upon it.

Claims, when
presented, etc.

Further
powers.

SEC. 17. The common council of the city shall in addition to such other powers as are herein conferred have the general powers in this chapter mentioned and may pass such ordinances in relation thereto as they may deem proper, viz.:

Vice, dis-
turbances.

First, To restrain and prevent vice and immorality, gambling, prize fighting, noise and disturbance, indecent or disorderly conduct or assemblages and to punish for the same; to prevent and quell riots; to preserve peace and good order and to protect the property of the corporation and of its inhabitants and of any association, public or private corporation or congregation therein, and to punish for injuries there-to or for unlawful interference therewith;

Vagrants, etc.

Second, To apprehend and punish vagrants, truant, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly

manner in any of the public streets or places in the city, and common prostitutes;

Third, To prevent the injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them or neglecting or refusing to abate, discontinue or remove the same, and generally to determine and declare what shall be deemed nuisances; Nuisances.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof; Disorderly houses, etc.

Fifth, To regulate, license, prohibit or suppress the use of billiard tables, nine or ten pin alleys or tables, bowling alleys and shooting galleries; Billiards, etc.

Sixth, To suppress every species of gaming and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming; Gaming.

Seventh, To regulate, prohibit and suppress ale, beer, wine and porter houses and all places of resort for tippling and intemperance and to punish the keepers thereof and all persons assisting and carrying on the business thereof, and to require all such places to be closed on the Sabbath day and upon such other days and during such hours of every night as the council shall prescribe; Intoxicating liquors, etc.

Eighth, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice and to punish any person so doing; Drunkards.

Ninth, To regulate, license, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, fortune tellers, clairvoyants, and all exhibitions of whatever name or nature for which money or other reward is in any manner demanded or received; lectures on historic, literary, religious or scientific subjects excepted; Sports, shows, etc.

Tenth, To prevent and punish violations of the Sabbath day and the disturbance of any religious meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day. Violations of Sabbath.

Eleventh, To license auctioneers and regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property or anything at auction or by any manner of public bidding or offer, and to license the same and to regulate the fees to be paid by and to auctioneers, but no license shall be required in case of sales required by law to be made at auction or public vendue; Auctioneers.

Twelfth, To license hawkers, peddlers and pawnbrokers and hawking and peddling, and to regulate, license or prohibit the Pawnbrokers, peddlers, etc.

sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in or upon the streets, highways, alleys, sidewalks or in or upon open places or spaces, public grounds or buildings in the city, and may also require transient traders and dealers to take out license before engaging in business and may regulate by ordinance the terms and conditions of issuing the same;

Saloons, etc. Thirteenth, To regulate and license all taverns and houses of public entertainment, all saloons and eating houses;

Vehicles. Fourteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city;

Inspection of provisions. Fifteenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour and other provisions;

Lumber, etc. Sixteenth, To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise;

Weights and measures. Seventeenth, To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures by venders;

Vaults, etc. Eighteenth, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;

Indecency. Nineteenth, To prohibit and prevent in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale of indecent, or obscene pictures, drawings, engravings, paintings and books or pamphlets, and all indecent or obscene language, exhibition and shows of every kind;

Bathing. Twentieth, To regulate and prohibit bathing in rivers, ponds, streams and waters of the city;

Filth, etc., in streams. Twenty-first, To provide for clearing the rivers, ponds and streams of the city and the races connected therewith, of all driftwood and noxious matter, to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive, and to prohibit and prevent the depositing therein of any earth, ashes, sawdust or other matter tending to obstruct the same;

Unwholesome places. Twenty-second, To compel the owner or occupant of any grocery, tallow chandler's shop, soap or candle factory, butcher's shop or stall, slaughter house, stable, barn, livery, sewer or other offensive and nauseous or unwholesome place or houses to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of the city;

Combustibles, toy pistols. Twenty-third, To regulate the keeping, selling and using of gun powder, firecrackers and fireworks and other combustible materials and the exhibition of fireworks, and the

discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the city, to prohibit and punish the use of toy pistols, sling-shots and other dangerous toys or implements within the city;

Twenty-fourth, To direct and regulate the construction of cellars, drains, cellars, slips, barns, private drains, sinks, privies, to compel the owner or occupant to fill up, drain, cleanse, alter relay or repair the same, and to pull down or remove any building, fence or structure which may be unsafe or liable to fall and injure persons or property or cause the same to be done by some officer of the corporation, and to assess the expense thereof on the lot or premises, having such cellar, slip, barns, private drains, sink, or privy thereon;

Twenty-fifth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house or railroad, also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire and to fix and regulate the amounts and rates of their compensation;

Twenty-sixth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing or managing the same;

Twenty-seventh, To provide for the protection and care of paupers and to prohibit and prevent all persons or associations from bringing to the city from any other place any pauper or other person likely to become a charge upon the city and to punish therefor;

Twenty-eighth, To make needful rules and regulations for the collection of water rates and to enforce payment thereof by suit in the corporate name of the city, in any court of competent jurisdiction, and to provide for the cutting off and depriving any delinquent consumer of a supply of water from the water works of the city;

Twenty-ninth, To make rules and regulations for making connections with sewers and to forfeit the license of any licensed plumber making connections with any water pipe or extending any supply pipe or in any manner increasing the flow of water without a permit from the common council or some officer duly authorized to grant permits for such purposes;

Thirtieth, To provide for and regulate the numbering of buildings upon the streets and alleys and to compel the owners or occupants to affix numbers on the same and to designate and change the names of public streets, alleys and parks;

Thirty-first, To provide for, establish, regulate and preserve public fountains and reservoirs within the city and such troughs and basins for watering animals as they may deem proper; also, to provide for sprinkling business and residence streets at a rate or tax to be determined by ordinance;

Contagious diseases.	Thirty-second, To provide for and regulate an isolation hospital for the treatment of contagious diseases;
Baths.	Thirty-third, To establish and maintain free public baths and swimming pools;
Saloons.	Thirty-fourth, To restrain and regulate saloons and to prescribe the location thereof;
Certain trades.	Thirty-fifth, To license the exercise of such trades and occupations as the council may deem proper for the public good and protection;
Aerial wiring.	Thirty-sixth, To compel all persons or corporations owning, managing, operating or using wires or other means for the purpose of conveying electrical currents, or electricity for any purpose, to return such current by aerial wiring or otherwise, so as to prevent electrolysis;
Prices for gas, etc.	Thirty-seventh, To regulate the prices to be charged for gas, heat or electricity, by all persons owning and operating in the streets and public places of the city, pipes, conduits; to regulate the manner in which all telephone, telegraph, gas and heating companies shall make use of the streets, alleys and public places of the city;
Other ordinances.	Thirty-eighth, The common council shall have power to make all such other by-laws, ordinances and regulations as it may deem necessary for the safety and good government of the city and to preserve the health and protect the persons and property of the inhabitants thereof.
Licenses, conditions, etc.	SEC. 18. The council may prescribe the terms and conditions upon which license may be granted and may exact and require payment of such reasonable sum for any license as they may deem proper. The person receiving the license shall before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe with one or more sufficient sureties conditioned for a faithful observance of the charter of the corporation and the ordinances of the council and otherwise conditioned as the council may prescribe.
May be revoked.	Every license shall be revocable by the council at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted or on account of any violation of any ordinance or regulations passed or authorized by the council, the person holding such license shall in addition to all other penalties imposed, forfeit all payments made for such license and no new license for a similar purpose shall be granted to such person for one year thereafter.
Non-transferable, term, etc.	SEC. 19. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable and the council may provide for punishment by fine or imprisonment or both of any person who without license shall exercise any occupation or trade or do anything for or in any respect to which any license shall be required by any ordinance or regulation of the council.

SEC. 20. No license shall be granted for any purpose by the city or under its authority until the sum of money required therefor, if any, shall have been paid to the city treasurer and his receipt for the same delivered to the city recorder, and all moneys so paid shall be placed by the treasurer to the credit of the contingent fund. When granted.

SEC. 21. The council of the city shall have authority by ordinance to permit any railroad company or street railway company to lay its track and operate its road with steam, electric or other motive power upon or along such streets, bridges, public places, highways and alleys of this city as the council may deem expedient upon such terms and conditions, and subject to such regulations to be observed by such railroad company or street railway company as the council may by ordinance prescribe and to prohibit the laying of such track or the operating of any such road except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: Provided, That no franchise for the use or occupancy of any street for any purpose shall be granted to any individual, company or corporation, except by a two-thirds vote of all the aldermen elect, nor shall any such franchise be granted for a period exceeding thirty years. Use of streets by railroads, etc.
Proviso as to franchise.

SEC. 22. The council shall have power by ordinance to provide for and change the location and grade of street crossings of any railroad track and to compel any railroad company or street railway company to raise or lower their track to conform to street grades which may be established by the city from time to time and to compel any railroad company or street railway company to construct street crossings in such manner and with such protection to persons crossing thereat as the council may by such ordinance require and to keep them in repair. Also with the approval of the commissioner of railroads, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings or streets and to give warning of the approach and passage of trains thereat and to light such crossings during the night; to regulate and prescribe by ordinance the speed of all locomotives and railroad trains and street railway cars within the city, but such speed shall not be required to be less than four miles per hour, and to impose a fine of not less than five nor more than one hundred dollars upon the company and upon any engineer or conductor or motorman violating any ordinance regulating the speed of trains, or street railway cars; but this section shall not confer any power in contravention of the statutes of this State as to grade crossings. Change of grades.
Flagmen.
Speed.

SEC. 23. The council shall have power by ordinance to require and compel any railroad company or any street railway company to make, keep open and repair such ditches, drains, sewers and culverts along and under or across their Penalty.
Railroads to make drains, culverts, etc.

- Penalty. tracks as may be necessary to drain their grounds and right of way properly and in such manner as the council shall direct, and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement according to the directions of the council, the council may cause the work to be done at the expense of such company, the amount of such expense to be collected at the suit of the city against such company in a civil action before any court having jurisdiction of the cause.
- Relief of poor. SEC. 24. The council may make such provision as it shall deem expedient for the support and relief of poor persons residing in the city.
- Electric light plant. SEC. 25. The common council shall have authority to establish, construct and maintain an electric light plant in said city for the purpose of lighting streets, public buildings and the grounds thereof and purposes incidental thereto, and to lease, purchase and hold all necessary lands, buildings, erections, structures, water rights, machinery and appliances necessary for said purposes in such manner and under such regulations as the council by ordinance or resolution shall determine and prescribe. It shall have authority to operate the same for such public purposes and incidentally to furnish power or electric lighting to private individuals, companies or corporations, and for such other commercial purposes as by them shall be deemed expedient and for the best interests of the city, and may establish the rates of compensation to be paid to the city for such services, uses and supplies and enforce the collection of the same in such manner as they shall by ordinance ordain.
- Depositing of moneys. SEC. 26. The council shall have power to direct the deposit of all moneys belonging to the corporation in any reliable bank or banks and to contract with any such bank or banks for the safe keeping of all public moneys and for the receipt of interest thereon upon such moneys of the corporation deposited in such bank or banks and to be drawn on account current from such bank or banks by the city, through its proper officers and such interest shall belong and be credited to the general fund: Provided, That when the council has directed the treasurer to deposit said money with any bank or banks they shall give a bond to the city with sureties in number and amount to be approved by the council sufficient to protect the city from loss and the treasurer shall be relieved from all liability for such moneys so deposited until the same are drawn out by him.
- Proviso as to bond.
- Prison, etc. SEC. 27. The council of the city shall have power to provide and maintain a city prison and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city and for the employ-

ment of those imprisoned therein. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment under such regulations as the council may prescribe.

Confinement of persons.

SEC. 28. The council may provide and maintain one or more pounds within the city and may appoint poundmasters, prescribe their powers, duties and compensation, and may authorize the impounding of all beasts, geese or other fowls found in the streets or otherwise at large contrary to any ordinance of the city.

Pounds, poundmasters.

SEC. 29. The council may prescribe the fees for impounding and the amount or rate of expense for keeping, charges to be paid by the owner or keeper of the beasts, geese or fowls impounded and may authorize the sale of such beasts, geese and fowls for the payment of such fees, expenses and charges and for the penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

Fees for impounding.

SEC. 30. The council shall have the power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants, to prescribe the time for opening and closing the same, the kind and description of articles which may be sold and the stands to be occupied by the vendors.

Market places.

SEC. 31. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud and preserve order in the markets, and may authorize the immediate seizure, arrest and removal from the market of any person violating its regulations together with any article in his possession, and may authorize the seizure and destruction of tainted, unsound or unwholesome meats, or other provisions exposed for sale therein or elsewhere in said city.

To enforce rules, etc., in markets.

SEC. 32. It shall have the power to accept for and in behalf of said city all gifts and donations made or tendered to the city by any person or corporation for the purpose of erecting and constructing a public library or libraries in said city, and shall have the power in behalf of said city to accept and agree to any reasonable terms and conditions upon which such gifts or donations are made or tendered, and by their action to bind the city to the performance of such terms and conditions, and said council may acquire, purchase, lease and own for the use of said city, such real estate as may be necessary for public buildings and buildings for public libraries and other purposes necessary or convenient for the public good, and to erect necessary buildings therefor.

May accept gifts for libraries, etc.

SEC. 33. The common council shall have power to levy a tax on real property adjoining streets upon which water mains are laid in case the owner of said property is not a

Tax on non-water consumer.

consumer of water, which tax shall cease when such person becomes a water consumer; the rate of which tax, however, shall not exceed annually two cents per front foot of the premises abutting upon such street.

TITLE VII.

POLICE DEPARTMENT.

- (a) Board of Police Commissioners.
- (b) Chief of Police.
- (c) Police Court.

Board of police commissioners, appointment, term, etc.

SECTION 1. The present board of police commissioners shall continue, and the members thereof shall hold office during the time for which they were respectively appointed. The common council shall, at its first meeting in May in each year or at some regular meeting thereafter appoint, as prescribed in section nine of title six, upon the nomination of the mayor, one member of said board who shall hold his office for the term of three years from the first Monday in May of such year and until his successor is appointed and qualified, and enters upon the duties of his office. Said commissioners shall serve without compensation.

Duty as to policemen, rules, etc.

SEC. 2. Said board shall have power to appoint a secretary, and with the approval of the mayor may appoint a chief of police and such number of policemen, night watchmen and special policemen as in their discretion shall be deemed necessary for the good government of the city. Said board shall have power to prescribe rules and regulations governing the duties and ranks in the service of any person so appointed, and may suspend or remove with or without the preferring of charges any such appointee, and may appoint another in the place of the one removed, and may give any special direction as to the management of said force they may judge proper and necessary: Provided, That the said commissioners shall not, except in cases of riot or other emergency demanding extraordinary efforts to preserve the public peace, exceed in their appointment the limit as to the number of policemen, night watchmen or special policemen which may at any time be fixed by the common council, by ordinance or otherwise, or make necessary any larger expenditure than the amount appropriated by the common council for the purpose.

Provide as to riots.

To report to council.

SEC. 3. Said board of police commissioners shall as often as once in each month audit and certify to the council for allowance all proper charges against that department, and on the first days of August and November, February and May in each year they shall make a report in writing to the council of the expenses incurred in the department during the preceding quarter year and showing the conditions and needs of the department, and they shall make such special reports

as the council may from time to time require. Accurate record shall be kept of all the proceedings of the board and the certificate of the secretary thereof shall in all courts and places be evidence of the matters so recorded.

SEC. 4. It shall be the duty of the police and night watchmen and officers of the force under the direction of said board, or of the mayor or chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances and breaches of the peace, and to pursue and arrest any person fleeing from justice, for offenses committed in said city, in any part of the State, to apprehend any and all persons in the act of committing any offense against the laws of this State or the ordinances of the city; and to take such offender forthwith before a proper court or magistrate to be dealt with for the offense; to make complaint to the proper officers and magistrates of any person known or believed by them to be guilty of a violation of the ordinances of the city or the penal laws of the State, and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and of the public welfare as the council may ordain, and they may arrest upon view, and without process, any person in the act of violating any ordinance of the city or committing any crime against the laws of the State, and the chief of police or any policeman may serve and execute all process in suits and proceedings for violation of the ordinances of the city.

Duty of police
as to arrests,
etc.

SEC. 5. The council shall by resolution on the first Monday in May of each year designate one policeman recommended by the board of police commissioners to perform the duties of constable. Such constable shall hold office for the term of two years and until his successor is designated and duly files his oath of office, and the common council may revoke such designation at pleasure. Every policeman so designated shall have power to serve all process directed or delivered to him for service which by law a constable might serve, and every such policeman shall have all the powers of a constable and shall receive the same fees as are allowed to constables for like services. When otherwise engaged in the performance of police duty they shall receive such compensation therefor from the city as the council may prescribe.

Constable,
term, power,
etc.

Fees.

SEC. 6. The chief of police, policemen, night watchman, all members of the police force, except policemen designated to perform the duties of constable, shall receive such compensation as shall be fixed by the common council, and they shall not demand or receive from any person, firm or corporation any extra or other compensation except by the consent of the board of police commissioners and for reasons to be entered in the record of said commissioners and the same rule shall apply to the policemen designated to act as constables except as to their legal fees.

Compensation
of police,
watchmen, etc.

(B) CHIEF OF POLICE.

Duties,
powers, etc.

SEC. 7. The chief of police shall be subject to the direction of the mayor and board of police commissioners. It shall be his duty to see that all the ordinances and regulations of the council made for the preservation of quiet and good order and for the safety and protection of the inhabitants and property of the city are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violation of the ordinances of the city; such process may be served anywhere within the county of Jackson, and if the act complained of is a misdemeanor, such process may be served by him anywhere in the State. He shall be the keeper of the city prison and station houses.

To serve
process.

Whom may
arrest.

SEC. 8. It shall be his duty to suppress all riots, disturbances and breaches of the peace within the city and for that purpose he may command the aid of all able bodied male citizens in the performance of such duty. He shall arrest all disorderly persons found within the corporation and pursue and arrest any person fleeing from justice for offenses committed within the city in any part of the State. He shall arrest upon view and with or without process any person found in the act of committing any offense against the laws of the State or ordinances of the city and forthwith take such person before the proper court or magistrate for examination or trial.

Detail police to
attend court.

SEC. 9. He shall when directed by the mayor, or the board of police commissioners detail one or more policemen to attend upon the police court provided by this act and to keep order under the direction of the judge thereof.

To report to
council.

SEC. 10. He shall report in writing and on oath to the council at their first meeting in each month, all arrests made by him or by persons under him, and the cause thereof, all persons discharged from arrest during the month, also the number remaining in confinement for breaches of the ordinances of the city, and shall at the same time serve a copy of such report upon the chairman of the board of police commissioners. All moneys collected or received by him shall be paid into the city treasury during the same month when received and the treasurer's receipt therefor shall be filed with the recorder.

(C) POLICE COURT.

To continue as
established.

SEC. 11. The municipal court in said city, known as the police court, established by local act three hundred seventy-six of eighteen hundred ninety-seven, shall continue as estab-

lished by that act, except as herein otherwise by this act provided.

SEC. 12. At the annual charter election of said city of Jackson to be held in nineteen hundred six and at every fourth annual charter election thereafter a police judge, who shall be a lawyer, shall be elected in and for said city by the electors thereof, in the manner provided by law for the election of mayor of said city, and the person so elected shall hold said office for the term of four years from and after the first Monday of May next after his election and until his successor shall be elected and qualified. Before entering upon the duties of his office such police judge shall take, subscribe and file in duplicate with the recorder of said city, and with the clerk of the county of Jackson respectively, the constitutional oath of office. Said police judge shall appoint a clerk of said court, who shall hold his office during the pleasure of the judge and said clerk shall have authority to administer oaths and take complaints in all cases brought in said court; take recognizances or bail, make adjournments of cases and arraignments, and shall receive a salary of not less than four nor more than six hundred dollars per year, to be determined by the common council, and one-half of said salary, when established, shall be paid by the city of Jackson and one-half by the county of Jackson, in the same manner that the salary of said police judge is paid.

Police judge,
when elected,
term, etc.

To appoint
clerk.

Salary.

SEC. 13. In the absence, inability or disability of the justice of the peace provided for by this act, to perform the duties of his office, such police judge shall perform said duties, and while so acting in the place of such justice of the peace shall exercise all the powers and duties conferred by law upon justices of the peace.

When to act
as justice of
peace.

SEC. 14. It shall be the duty of the prosecuting attorney of the county of Jackson or his authorized deputy or assistant to attend said police court when requested by the judge thereof and he shall prosecute all State criminal cases therein, and it shall be the duty of the city attorney or any assistant authorized by the common council to attend all sessions of said court, when requested, and to prosecute all violations of the charter of said city and the by-laws and ordinances of the common council therein.

Attorneys to
attend court,
duties, etc.

SEC. 15. Such police judge shall hold a court in said city in a suitable place to be provided by the common council thereof, to be styled the police court and which shall not be a court of record. Said police judge shall have power and authority to take complaints, issue all processes necessary in said court, to be signed by or attested in the name of said judge, and the court shall have the same power to punish contempts and preserve order, to compel the attendance of witnesses, parties and jurors and determine as to the qualifications of jurors and such further powers incident to a circuit court, and the judge thereof, and as may be convenient

Court, where
held.

Power and
authority of
judge.

in the exercise of the jurisdiction and powers herein conferred upon him as such court, and while so acting as police judge shall have all the powers and authority of a justice of the peace under the laws of this State. In every trial by jury in said court the city or the people, as the case may be, shall be entitled to but two peremptory challenges, and the accused but two peremptory challenges.

Jurisdiction of
police court.

SEC. 16. Said police court shall have exclusive original jurisdiction to issue process for, hear, try and determine all cases against persons charged with violations of the provisions of the charter of said city, or of any act of the legislature relating to the government thereof, and of the by-laws and ordinances of the common council thereof already enacted or that may hereafter be enacted, anything in any other law of this State or the charter of said city or any ordinance of said city contained to the contrary thereof notwithstanding, and all the provisions of law relative to complaints against offenders for violation of the provisions of the charter of said city or any by-law or ordinance of the council thereof, or of the acts of the legislature relative to process, proceedings and judgments therein and relative to execution upon such judgments and proceedings thereon shall apply to said police court. Said police court shall also have original jurisdiction to issue process for, hear, try, examine and determine all cases of misdemeanor and of a quasi criminal nature committed within the city of Jackson heretofore or hereafter within the jurisdiction of justice courts, and to sentence any person convicted thereof, anything otherwise herein or in any other law of this State contained to the contrary thereof, in anywise notwithstanding. And said police court shall have original jurisdiction to issue process for, hear, try and examine and to hold to bail or discharge all persons charged within the city of Jackson with the commission therein of felonies and misdemeanors not triable by justices of the peace within said county. It shall not be necessary to file a record of any conviction had in said court, but the dockets or journal entries and files shall be prima facie evidence of all proceedings had in said court.

Practice in
police court.

SEC. 17. The practice in said court shall be the same as practice in courts of justices of the peace in criminal cases and the laws of this State relative to such practice, and the procedure before justices of the peace in criminal cases shall, except where herein otherwise provided, extend to said police court so far as is consistent with the practice of said court. It shall be the duty of the judge of said court to instruct the jury as to the law applicable to the case, which instructions shall be received by the jury as the law of the case. All process issued out of said court shall be directed to the chief of police, or any member of the police force of said city, or to the sheriff of Jackson county, or to the police constables of said city, but no such process shall be served or executed

Process, to
whom directed,
how served.

by the chief of police or any member of said police force outside of the corporate limits of said city unless in case of immediate pursuit in view of such officer, in which case he or they may pursue and arrest, the same as the sheriff of the county might in like case do. It shall be the duty of the sheriff of said county to keep a record of all process required to be served and executed outside of said city, which record shall show the date of process, name of the accused, a summary of the proceedings had therein and the amount of the fees and charges of the officers who shall execute the same. Sheriff to keep record.

SEC. 18. The police judge shall receive no fees or perquisites for service performed under this act but in lieu thereof shall receive an annual salary to be fixed by the common council, with the approval of the board of supervisors, of not less than one thousand dollars, nor more than one thousand two hundred dollars, one-half of which shall be paid by the city of Jackson monthly and one-half of which shall be paid by the treasurer of the county of Jackson, out of the treasury of said county in the manner provided by law for the payment of the salary of the prosecuting attorney. Neither the chief of police nor any member of the police force of said city shall be entitled to receive for his own use any fees for services performed under this act, except as provided in section five of this title, but in lieu thereof the chief of police and members of the police force shall receive such annual salaries as shall be fixed by the common council. Salary of judge. How paid. Other officers.

SEC. 19. It shall be the duty of the common council of said city to provide a suitable office for the judge of the said court adjacent to the court room thereof, and such necessary furniture, light, fuel, records, blanks, stationery, and other articles as may be required for the judge, jury and other officers of said court. Council to provide office, etc.

SEC. 20. The police court shall always be open for business but may adjourn its sittings from day to day and from time to time as may be convenient and not inconsistent with the dispatch of business therein. Cases and examinations pending in said court may be adjourned from time to time, not exceeding three months from the arraignment of the accused therein, unless the court shall be satisfied by proper evidence that the attainment of justice requires a further continuance and then only for such further time as the exigency of the case for the attainment of the object aforesaid shall require. In case of the removal from the city of the judge of said police court, his death, resignation or removal from office, said office shall be deemed vacant and such vacancy be filled in the manner hereinbefore provided. Court; when open. Adjournment of cases.

SEC. 21. Any defendant shall have the right to appeal from the judgment or sentence of said court provided such appeal shall be taken and perfected within forty-eight hours, Sundays and legal holidays excepted, from the time the court pronounces such judgment or sentence, and certiorari shall Proceedings relative to appeals.

lie from final judgment of said court, as provided by law for appeals and certiorari from final judgments of justices of the peace in criminal cases. In State criminal cases, appeals and writs of certiorari shall, when taken be taken to the circuit court for the county of Jackson. Juries shall be obtained and appeals and writs of certiorari both in city and State cases, shall be taken and perfected and returned in the manner provided by law for like acts before justices of the peace in criminal cases, except as herein otherwise provided.

Who to act in
absence of
judge.

SEC. 22. In case of the absence, inability or disability of the police judge to perform the duties of his office the justice of the peace of said city shall perform such duties. Said police judge shall also have, during the absence or inability of the justice of the peace, concurrent jurisdiction with said justice of the peace elected in said city under the provisions of this act, with the same jurisdiction and powers in all civil cases, suits and proceedings, as are or may be, conferred upon or required of justices of the peace by the general laws of this State.

Proceedings
for violations
of ordinances,
etc.

SEC. 23. Cases commenced in the name of said city for violations of the provisions of the charter or ordinances of said city or of any act of the legislature relating to the government thereof shall be prosecuted, and the proceedings therein and the judgment thereon, and the final process upon such judgment to carry the same into effect, shall be

Costs, etc., to
whom paid.

in all respects as in criminal cases, but all fines and costs collected in such cases shall be paid to the treasurer of the city of Jackson on the first Monday of each and every month or within three days thereafter, and all fines and costs collected in State criminal cases shall at the same time be paid to the treasurer of the county of Jackson by the judge of the police court, and the receipts therefor shall be duly issued to said police judge. Said judge shall at the same time report in writing to the common council of said city, in city and State criminal cases, and to the board of supervisors in State criminal cases, the names of all persons tried in said court during the preceding month, the offense charged against each, and the amount of fines and costs separately collected by him, and shall make oath thereto that the same are correct and that he has paid over all the said moneys respectively in accordance with the provisions of this act.

Judge to
report.

Costs, how
taxed.

SEC. 24. The fees and costs in each case in the said court, whether under the laws of the State, or under the charter, by-laws or ordinances of said city, shall be the same as are or may be provided by law for like cases before justices of the peace in criminal cases, and shall be taxed by the said police judge; the fees of witnesses, jurors, sheriffs and constables, other than police officers of said city, shall when collected be paid to them by said justice to their own use, and in city cases commenced before said police court for the recovery of fines, penalties or forfeitures, and in all cases of

Fees, to whom
paid, etc.

offenses against the criminal laws of this State, within the jurisdiction of said court to try and determine, if the defendant shall plead guilty to the offense charged, or shall be found guilty thereof on trial by said judge; judgment for costs accruing in the case shall be rendered against and paid by said defendant, in addition to the fine, penalty or forfeiture imposed.

SEC. 25. The police judge shall have authority in all cases, either State or city, at his discretion, either before or after issuing of process to require of the complaining witness security for costs to the satisfaction of said judge, and the person becoming such surety shall sign a memorandum in writing to that effect, which said judge shall keep as a part of the record in the case. If the defendant or accused be discharged on examination, or acquitted on trial, the said police court shall enter a judgment for costs against the surety and complaining witness, either or both of them, which shall be of like force and effect and shall be collected as upon judgments rendered by a justice of the peace in actions commenced by warrant, and of like form with such executions as near as may be: Provided, however, Before rendering such judgment, said court shall cause to be certified on the record that such payment of costs by such complainant is just and equitable.

SEC. 26. One-half of all costs and expenses of said city in maintaining and providing for said court shall be paid to the recorder of said city annually by the treasurer of the county of Jackson, out of the treasury of said county and by said city recorder deposited in the treasury of said city at the close of the regular session of the board of supervisors of said county: Provided, That one-half of the whole amount of the expense of said city for salaries of the police judge and for rent of court room and office, and records, blanks and stationery for use of said court and the officers thereof in any one year shall not exceed the sum of twelve hundred dollars. It shall be the duty of the recorder of said city on the first day of each annual session of said board of supervisors to present the claim of said city therefor, duly certified, and said board shall, if found correct, at the same session, audit and allow the same, and order the payment thereof as aforesaid.

SEC. 27. Said police judge may be suspended from his said office and be removed therefrom in the same manner and form as provided by law for the suspension and removal of justices of the peace.

SEC. 28. Whenever any person shall be sentenced by the police court to confinement in any place of imprisonment outside of the corporate limits of said city, it shall be the duty of the police constables or sheriff or any deputy sheriff of Jackson county to take, transfer, convey and deliver such sentenced person under commitment of said court to such

Security for costs.

Judgment.

Proviso.

One-half expenses of court, by and to whom paid.

Proviso.

When recorder to present claim.

Judge may be suspended.

Commitments.

place of imprisonment, but all other commitments may be executed by said sheriff or police constables or by the chief of police or any member of the police force of said city.

When court
may employ
stenographer.

SEC. 29. In case of examination of offenders of said police court, for offenses committed against the criminal laws of this State, when said police court has jurisdiction to examine and hold to bail only, it shall be lawful for said police court to cause an order to be entered in the records of such court before or during the pendency of said examination, on motion of the prosecuting attorney of said county, if in the judgment of said court it shall be for the best interest of the public so to do, appointing some suitable stenographer to be named by said court, to take down in shorthand the testimony given upon any such examination, and any stenographer so appointed shall receive such per diem compensation for the time by him expended in so taking down such testimony, and such price per folio for writing out in longhand such testimony so taken in shorthand, as shall be fixed by the board of supervisors of Jackson county, the same to be allowed and paid out of the treasury of said county.

Compensation.

TITLE VIII.

ORDINANCES AND RESOLUTIONS.

Style, etc.

SECTION 1. The style of all ordinances shall be "The City of Jackson ordains." All ordinances shall require for their passage the concurrence of a majority of all the aldermen elect. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

To prescribe,
fines, pen-
alties, etc.

SEC. 2. When by the provisions of this act the council of said city has authority to pass ordinances for any purpose it may prescribe fines, penalties and forfeitures not exceeding five hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding ninety days or both, in the discretion of the court, together with the costs of prosecution for each violation of any of said ordinances; and may provide that the offender on failing to pay such fines, penalty or forfeiture and the costs of prosecution may be imprisoned for any term not exceeding ninety days, unless payment thereof be sooner made, and may direct such imprisonment to be in the city prison or in the county jail of the county of Jackson, or in such other prison or place of confinement in the State as the council may prescribe, and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture and imprisonment for the violation of any ordinance shall be prescribed therein.

Approval of,
when to take
effect.

SEC. 3. On the same day, or on the next day after the passage of any ordinance or the adoption of any resolu-

tion, the recorder or deputy recorder shall present the same to the mayor or other person performing the duties of mayor for his approval. No ordinance or resolution passed by the council shall be of any force or effect without the written approval of the mayor or other person performing for the time being the duties of his office, unless he omit to return it with his objections within six days after its presentation to him, or in case of the absence of the recorder and deputy to the council at its next regular meeting in which case it shall be deemed regularly enacted: *Provided*, That when a resolution embraces several distinct matters or claims, the mayor shall have the right to approve a part and disapprove a part in the same manner and with the same effect as if presented by separate resolution. If after the return of the ordinance or resolution with the objections thereto as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance or resolution shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage.

SEC. 4. At the time of presenting any ordinance or resolution to the mayor for his approval, the recorder shall certify thereon the time when the same was presented, and after the return thereof he shall also certify and in the journal or record of the proceedings of the council the time of the return of such ordinance or resolution, and whether approved or with objections, and shall at the next meeting of the council report any ordinance or resolution returned with objections thereto. He shall also certify in such journal or record the time when such ordinance or resolution was presented to the mayor for his approval.

SEC. 5. No repealed ordinance shall be revived and no ordinance shall be amended unless the whole or so much as is intended to be revived or amended shall be re-enacted. When any section or part of a section of an ordinance is amended the whole section as amended shall be re-enacted.

SEC. 6. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the recorder in a book to be called "The Record of Ordinances" and it shall be the duty of the mayor and recorder to authenticate the same by their official signatures upon such record.

SEC. 7. Immediately after the passage of any ordinance the same shall be published with the other proceedings of the council in the official paper of the city, designated as such by the common council, and the recorder shall, immediately after such publication, enter on the record of ordinances in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made and sign the same officially and such certificate shall be prima facie evidence that legal publication of such ordinance has been made.

Judicial notice of enactment.	SEC. 8. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of said city, and in all proceedings in said city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of said city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings:
Printed record.	First, From a written or printed record thereof kept by the recorder;
Copy.	Second, From a copy thereof, or of such record thereof, certified by the recorder under the seal of the city;
Volume.	Third, From any volume of ordinances purporting to have been written or printed by the authority of the council.
Prosecutions, when commenced.	SEC. 9. Prosecutions for violations of the ordinances of said city shall be commenced within two years after the commission of the offense, and shall be brought within the city.
Penalty for violation, how recovered.	SEC. 10. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.
Actions, how commenced.	SEC. 11. Such action shall be brought in the name of the city of Jackson, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found, to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.
Execution of judgment.	SEC. 12. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by a warrant for the arrest of the offender.
Prosecutions, how commenced.	SEC. 13. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form,
Warrant, what to set forth, etc.	

and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof shall, except as otherwise provided by this act, be governed by, and conform, as nearly as may be, to the provisions of law regulating the proceedings in criminal causes, cognizable by justices of the peace. Proceedings,
how governed.

SEC. 14. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with the costs of prosecution. Conviction.

SEC. 15. Every such judgment shall be enforced by virtue of an execution or warrant of commitment specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section eleven of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine, and imprisonment in default of the payment thereof, or where imprisonment is alone imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence. Judgment,
how enforced.

SEC. 16. Said city shall be allowed the use of the jail of the county of Jackson, for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment, may be sentenced to, and committed to imprisonment in such county jail, or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff, or other keeper of such jail or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged. Warrant of
commitment.

SEC. 17. All process issued in any prosecution or proceedings for violation of any ordinance of the city, shall be directed to the chief of police or to any policeman of the city, and may be executed in any part of the State by said officers. City may use
county jail.

Warrants, etc.,
what to set
forth.

SEC. 18. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval. It shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be a violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of an ordinance of the city, and the resolutions of the council, and of the authority of the city to enact the same.

Trial by jury.

Selection of.

SEC. 19. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Appeal to circuit court.

Security, etc.

SEC. 20. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Jackson, by appeal or writ of certiorari; and the proceedings therefor, and the bond of security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and certiorari in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings by certiorari, into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and certiorari in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security therein. The circuit court of said county shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

Fines, to
whom paid,
etc.

SEC. 21. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the convic-

tion was had. If any fine shall be collected upon execution the officer or person receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall, without unnecessary delay, pay the same into the city treasury, and take the treasurer's receipt therefor and file the same with the recorder.

SEC. 22. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly. Penalty for unlawful keeping of fines.

SEC. 23. Fines paid into the city treasury for violations of ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city. Disposition of fines.

SEC. 24. The circuit court of the county of Jackson shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed one hundred dollars, or where the offender may be imprisoned for a term exceeding ninety days. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures and to punish violations of the criminal laws of the State and the general laws of the State regulating prosecutions in criminal cases and to recover penalties shall apply. Jurisdiction of circuit court.

SEC. 25. Whenever the common council shall by resolution order a revision and compilation of the ordinances of the city, such revision and compilation, when prepared and duly adopted by the common council, shall after the expiration of twenty days from the adoption thereof, and approval by the mayor, become and be the ordinances of the city as though each ordinance was separately adopted or amended in accordance with the provisions of this title. Proceedings.

SEC. 25. Whenever the common council shall by resolution order a revision and compilation of the ordinances of the city, such revision and compilation, when prepared and duly adopted by the common council, shall after the expiration of twenty days from the adoption thereof, and approval by the mayor, become and be the ordinances of the city as though each ordinance was separately adopted or amended in accordance with the provisions of this title. Revision of ordinances.

TITLE IX.

PUBLIC HEALTH.

- Duty of council relative to.** SECTION 1. The council of said city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction or spreading of malignant, infectious or contagious diseases within the city and for the removal of persons having such diseases or who from exposure thereto or otherwise may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, and the public safety requires.
- When to abate nuisances.** SEC. 2. If any person, company or corporation shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council or by the board of health of the city for the protection of the health of the inhabitants within the time prescribed therefor by said council or board of health, said council or board of health may cause the same to be done and the expense thereof may be recovered by the city in an action of debt or assumpsit, against such person, company or corporation. The council may in addition to all other remedies provide for the recovery of such expense, charge the same or such part thereof as they shall deem proper upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed and cause the same to be assessed upon such lot or premises and collected as a special assessment.
- Recovery of expense.** SEC. 3. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignments at pleasure, and whenever a business, carried on in a place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.
- To assign places for offensive trades.** SEC. 4. The council may purchase the necessary lands and erect thereon, or otherwise provide, one or more hospitals, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employes, and for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the city shall seem proper, and, by direction of the council or board of
- Council may provide hospitals, etc.**

health, persons having any malignant, infectious or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require, and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

SEC. 5. The council shall also have and exercise within and for the city all the powers and authority conferred upon boards of health by the general laws of this State, so far as the same are applicable to and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority. Powers of council.

SEC. 6. The council when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the general laws of this State, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health or any officers thereof. Board of health, powers, etc.

SEC. 7. The common council may provide by ordinance for the appointment of a health officer, who shall have and exercise all the powers and authority conferred on health officers by the general laws of the State, and who shall perform all the duties therein required of such officers. The health officers and the members of said board shall receive such compensation as the council may by ordinance prescribe. Health officer.
Compensation.

TITLE X.

PARKS, PUBLIC GROUNDS AND CEMETERIES.

SECTION 1. The common council of said city may acquire, purchase, own and lease for the use of said city such real estate as may be necessary for public grounds, parks and cemeteries. Such cemeteries or parks may be within or without the city. And said council shall have authority to lay out, establish and enlarge or vacate and discontinue such public grounds and parks, and it may improve, light and ornament the same and said cemeteries, and regulate the care and use thereof and protect the same and the appurtenances thereto by proper police regulations from obstructions, encroachments and injury from all nuisances. Council may acquire, etc.

SEC. 2. The care, management, improvement and supervision of said cemeteries, parks and public grounds of the city Board of park and cemetery commissioners.

- shall be vested in the board of cemetery trustees, which board shall continue and shall hereafter be known as the board of park and cemetery commissioners, and the present members thereof shall hold their office during the term for which they were respectively appointed. The common council shall on the first Monday in May in each year, or at some regular meeting thereafter, appoint upon nomination of the mayor, one member of said board who shall hold his office for the term of three years from and after the first Monday of May of the year when appointed and until his successor is appointed and has duly filed his oath of office. The members of said board shall serve without compensation. The council may remove any member so appointed for inattention to his duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him, or other good cause. No member of said board shall during his term of office hold any other office under the charter of the city, nor shall he be interested directly or indirectly in any contract for any improvements in the cemeteries, public grounds or parks of the city, or in the purchase, sale or disposition of any material to be used therefor.
- Removal.**
- To elect president.**
- Council may raise money.**
- Powers, etc., of board.**
- To expend money, regulate burials, etc.**
- SEC. 3.** Said board shall annually elect one of its members president, and the recorder shall be clerk of said board.
- SEC. 4.** The council may within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purchase of cemeteries, parks or other public grounds, and for the improvement, adornment, protection and care thereof and the erection of buildings therein and the maintenance and repair thereof.
- SEC. 5.** Said board subject to the directions and ordinances of said council shall have the care and management of any such parks, public grounds and cemeteries, and the buildings therein, and shall have power to employ a superintendent or superintendents and such laborers as may be necessary therefor. And shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out in lots, avenues and walks; the lots in said cemeteries to be numbered, and the avenues and walks therein to be named and plats thereof to be made and recorded in the office of the recorder. The board, subject to the approval of the council, shall fix the price of lots, and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the recorder, and be recorded in his office at the expense of the purchasers.
- SEC. 6.** Said board shall expend the money provided for the care of the grounds within their charge, keeping such account thereof as shall separate the expenditures for cemetery purposes from those pertaining to parks and public grounds, and enforce the ordinances of the city made for the management and care thereof and make such regulations for the burial of the dead, the care and protection of the

grounds, monuments and appurtenances of the cemeteries, buildings and other improvements in said parks or public grounds, and for the public use and enjoyment thereof, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

Sec. 7. All moneys raised for any public cemetery, public ground or park authorized by this act, and all moneys received from the sale of lots therein or otherwise therefrom shall be paid into the city treasury to the credit of the park fund or cemetery fund respectively: Disposition of moneys. Provided, That the council may transfer any balance remaining in either of said funds at the close of the fiscal year to the contingent fund of said city. Proviso. The board shall report to the council at its first regular meeting in each month and oftener when the council shall so require the amount of all moneys received into and owing to the park fund and cemetery fund and from what source and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid and to whom incurred and such other matters as the council shall require to be reported, which report shall be verified by the oath of the president and the recorder. To report to council. And they shall report on or before the first Monday of February of each year to the common council the amount necessary for park and cemetery uses for the ensuing year, and shall also at the same time report and recommend to the council such public improvements in said public grounds, parks and cemeteries as in the judgment of said board shall be for the best interests of the city and the estimated cost thereof.

Sec. 8. All contracts entered into by said board shall be in the corporate name of the city and shall be signed by the recorder and countersigned by the president of the board. Contracts, how signed, etc. Before entering into any such contracts the board shall advertise for sealed proposals for doing such work or the furnishing of materials or implements which proposals shall be submitted to the common council: Proviso. Provided, That if the estimated cost of such work or materials shall not exceed one hundred dollars the board may in its discretion omit to advertise the same and may procure proposals without doing so. In such proposals the board shall reserve the right to reject any and all bids. But said board shall not enter into any contract for the improvement of any such parks, public grounds or cemeteries, unless provision therefor shall have been made in the annual appropriation bill or by sales of lots in cemeteries, the proceeds whereof shall be expended for the care and improvement of said cemeteries.

Sec. 9. All claims for work done or expenses incurred by said board with respect to such parks, public grounds and cemeteries shall be audited by it and reported to the council, Board to audit claims. and no money shall be paid out of the treasury on account

of such work or expense until the council shall have approved of the same and the warrants therefor are duly signed by the recorder and countersigned by the mayor.

Ordinances for
control of
parks, etc.

SEC. 10. The council may pass and enforce all necessary ordinances to carry into effect the provisions herein and to control and regulate such public grounds, parks and cemeteries and the improvements thereof and to protect the same from injury and to punish violations of any lawful orders and regulations made by said board and may confer such powers therein upon said board as may be necessary for such purpose.

For protection,
etc., of ceme-
teries.

SEC. 11. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within or without the city belonging to or under the control of any church, religious society, corporation, company or association and for the protection and preservation of the tombs, monuments and improvements thereon and the appurtenances thereto. And the council may prohibit the interment of the dead within the city or may limit such interments therein to such cemetery or burial place as the council may prescribe, and the council may cause any bodies buried within the city in violation of any rule or ordinance made with respect to such burial, to be taken up and buried elsewhere.

Interment.

TITLE XI.

SEWERS, DRAINS AND WATER COURSES.

Council may
establish.

SECTION 1. The city council may establish, construct and maintain sewers and drains whenever and wherever necessary and of such dimensions and materials and under such regulations as it may deem proper for the drainage of the city, and may regulate and maintain those already constructed, and may discontinue the same when necessary and make the necessary expenditures to enclose in walls or dikes or otherwise improve Grand river within the city and from the northern limits of the city to the mouth of Portage river, remove obstructions therefrom and clean out the channel thereof and straighten its course and may prescribe the dimensions and materials and manner of construction of such walls or dikes and private property may be taken therefor in the manner prescribed in this act for taking such property for public use. In case it shall be determined that in order to improve the outlet for the sewage of the State prison, the authorities of that institution will do any part of the work of improving the channel of said river, either within the city or north of the city limits and the board of control of said prison shall have approved the plans for making any part of such improvement, then such rights in the lands in

Improve
Grand river.

Relative to
sewage of
State prison.

or on the banks of said river as may be necessary for that purpose may be condemned in the manner so prescribed at the instance of said city for the use of the State of Michigan. In either case the city council may also acquire such rights by negotiation. In all cases where the council shall deem it practicable, sewers and drains shall be constructed in the public streets and grounds.

SEC. 2. The board of public works of said city shall have the care and management of all sewers and drains and the charge of their construction. Board of public works to care for sewers.

SEC. 3. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to so declare by resolution, and shall therein direct the board of public works to report a plan of sewerage and drainage for the whole city, or for such part thereof as they shall determine. When board to report plan of sewerage.

SEC. 4. Such plan shall be formed with the view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan when adopted, shall be filed in the office of the recorder. Plan how formed.

SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary special sewer districts, to include one or more local or branch sewers, and such land as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district. Subdivision of main sewer districts.

SEC. 6. Such part as the common council shall determine not exceeding two-thirds of the cost and expense of any main district sewer or of the cost of any lateral branch or local sewer constructed within a special sewer district, or of the cost of walling or diking Grand river or a portion thereof, shall be paid from the general sewer fund, and the remainder of such cost and expense shall be defrayed by special assessment in proportion to benefits, upon all taxable lands and premises included within the main or special sewer or diking districts, as the case may be, in proportion to such estimated benefits accruing to each parcel respectively from the construction of the sewer or dike. Costs and expenses, how paid.

SEC. 7. Before proceeding to the construction of any district sewer or dike of Grand river, the board of public works, by the direction of the common council, shall cause a diagram and plat of the whole sewer or diking district to be made, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and Diagram and plat, what to show.

Notice to construct, how given.	location of the sewer and dikes; and the depth, grade and dimensions thereof, accompanied by an estimate of the cost thereof, and report the same to the common council. And the recorder shall give notice by publication for at least one week, in one of the newspapers of the city, of the intention to construct said sewer or dike, and where said diagram and plat may be found for examination, and the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer or dike.
Resolution to construct.	SEC. 8. When the council shall determine to construct any such district sewer or dike, they shall so declare by resolution, designating the district and describing, by reference to the plat, and diagram thereof, mentioned in the preceding section, the route and location, grade and dimensions of the sewer or dike, and shall determine in the same resolution what part of the estimated expenses of the sewer or dike shall be paid from the general sewer fund; and what part shall be defrayed by special assessment according to benefits, and the proportions to be paid from the general sewer fund, and to be defrayed by special assessments, when so determined, shall be final and conclusive; and they shall cause such plat and diagram as adopted to be recorded in the office of the recorder, in the book of sewer records.
Special assessments, by whom made.	SEC. 9. Special assessments for the construction of sewers and for the diking of Grand river, shall be made by the board of assessors in the manner provided in this act for making special assessments.
Construction of private drain.	SEC. 10. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may direct the work to be done by the board of public works, at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.
When board to construct.	SEC. 11. The owners or occupants of lots and premises shall have the right to connect the same at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the common council by ordinance shall prescribe.
May connect drains with sewer.	SEC. 12. Such part of the expenses of providing ditches, and improving water courses, as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.
Expenses of ditches.	SEC. 13. The expenses of repairing public sewers, ditches and water courses may be paid from the general sewer fund.
Expenses of repairing sewers, etc.	

The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

SEC. 14. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers and of the diking and other improvements and to carry into effect the powers herein conferred in respect to drainage of the city and to the diking and other improvements of Grand river, and in such ordinances it may be provided what work of removing obstructions, cleaning out the channel and straightening the course of Grand river and of protecting the walls, shall be deemed parts of the diking in this chapter provided for.

Ordinances for protection of sewers, etc.

TITLE XII.

STREETS AND PUBLIC GROUNDS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and may cause the same to be kept in repair, and free from nuisance.

Supervision of.

SEC. 2. But the city shall not appropriate any money for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked and used by the public as a street or alley before the passage of this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after the passage of this act, unless the dedication shall be accepted and confirmed by the council by an ordinance or resolution specially passed for that purpose.

Private streets, etc.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, or alter any highway, street, or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such cost and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund. If for any reason the common council shall deem it for the interest of the city to alter or vacate any plat of lands in said city or any part of the same, or any street, alley, or public grounds, or any part of the same, it shall have power equally with the owner or owners of the lands platted, to apply to the circuit court of

Council to improve, etc.

May take private property.

Expense, how paid.

Vacating of streets, etc.

Proviso.	<p>the county for such alteration or vacation, and it shall be a sufficient interest in that part of the plat to authorize such an application if it shall appear that the part of the street, alley or public grounds on the plat proposed to be altered or vacated, has been dedicated to the public: Provided, That if all persons interested in the entire plat or distinct part thereof, shall file with the common council their written consent to its vacation, then the common council shall have power to vacate the same by resolution. Surveys shall be made of all such highways, streets, alleys or public grounds, and of all changes made therein and the same shall be recorded in the office of the recorder, in a book of street records.</p>
To establish boundaries.	<p>SEC. 4. The council may cause all public streets, alleys and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the recorder, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by the council, to be recorded in like manner; and such record shall be prima facie evidence of the existence of such streets, alleys or public grounds as in the records described. And may also provide by ordinance for the removal of obstructions or encroachments, and no title to or property rights in streets or public grounds or buildings in said city shall ever be gained by any encroachment thereon or obstructions thereof or by adverse possession thereof however long continued, nor shall the city be barred by reason thereof from maintaining proper actions to assert its rights therein.</p>
Encroachments.	<p>SEC. 5. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and may change or alter the grade of any street, alley or public ground, or any part thereof, whenever, in their opinion, the public convenience will be promoted thereby. Whenever a grade shall be established, or altered, duplicate records and diagrams thereto shall be made in books provided by the common council for that purpose, one of which shall be kept in the office of the recorder, and one in the office of the city engineer.</p>
Establish grades.	<p>SEC. 6. Whenever any pavement shall have been constructed on any street, alley, or highway, in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of said lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.</p>
Expense of change of grade, how paid, etc.	

SEC. 7. If any damage shall result to any owner by a change of the established grade of any street, alley, or sidewalk, the council shall levy and collect the amount thereof by special assessment upon the lots benefited thereby and therewith pay the same; but the city shall incur no liability by reason of anything in this section contained. Damages to owner.

PAVING AND IMPROVEMENTS.

SEC. 8. The common council shall have power to cause the highways, streets, avenues, lanes and alleys of the city to be graded, paved, graveled, curbed and otherwise improved and repaired, and the gutters paved; and for that purpose, and for defraying the expense thereof, may divide the city or parts thereof, into paving districts. The term "paved" shall be construed as including the necessary crosswalks, gutters, subdrainage, curbing, ballasting and refitting of openings to sewers and connections with gas and water pipes. Power of council.
"Paved" defined.

SEC. 9. Such parts of the expense of any pavement as are for the paving of squares or spaces formed by the intersecting lines of public streets and alleys, the extra expense of crosswalks and which shall be for the paving of half of the street or alley in front of or adjoining to school buildings, county buildings and other public buildings and grounds not taxable, shall in all bids requested and in all contracts for paving, be itemized separate from that or those for the doing of the portions of the work, for which persons and real estate benefited are to be assessed, but may be included in the same contract, and the expense of such portion of the work, and three-fifths of the expense of paving in front of the abutting property, and the expense for the preparation of the plan, the making of surveys, printing assessments, for the giving of notices, advertising for bids, and the superintending of the work, including all items not let by contract, shall be paid from the paving or general fund of the city. In the case that the common council shall deem it necessary, it shall have power to raise the money to defray the expenses to be paid by the city at large of such construction of one or more pavements by levying a paving tax not exceeding one-half mill on the dollar, in any year, in addition to all other taxes hereby authorized, or by borrowing not exceeding fifteen thousand dollars, in any one year for that purpose, or partly by tax and partly by borrowing, at a rate of interest not exceeding five per centum per annum, payable semi-annually, and to issue bonds therefor, and in any case of so raising moneys the sums shall be placed in a separate general fund. Expense of paving public squares, etc., how paid.
Paving tax

SEC. 10. The expense of the construction of any pavement other than the portion to be paid by the city, defrayed by special assessments upon lots and premises shall be included in a special assessment district, to be constituted of such Special assessment district.

Proviso as to gutters.	lands as in the opinion of the council may be benefited by such improvement in proportion to the estimated benefits resulting thereto: Provided, That all gutters may be paved from the street funds when the same are made necessary for the protection of the street or part of a street upon which a full pavement has not been ordered.
Council to prohibit obstructions, etc.	SEC. 11. The council shall have power to prohibit and prevent obstructions and encumbrances in the public highways, streets and alleys of the city and to remove the same, and to prohibit encroachments upon any public street, alley or highway, and to punish those who shall obstruct, incumber, encroach or maintain any encroachment upon or in any such highway, street or alley and to require all such persons to remove every such obstruction or encroachment.
Trees.	SEC. 12. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets, parks, and avenues of the city, and for the protection thereof, and may cause the streets, alleys and public grounds to be lighted and regulate the setting of lamp posts and other lighting facilities therein under the supervision of the committee on streets of the common council.
Lighting.	SEC. 13. The common council may, by ordinance, regulate the manner of making of all openings in and removals of the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for other purposes; and may prohibit or prevent all such openings and removals of the soil, except at such times and upon such terms and regulations as they may prescribe.
Excavations.	SEC. 14. The council may regulate the use of public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, and banners, awning posts, telephone and telegraph poles, and wires in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges, to regulate or prohibit all such sports, amusements, proceedings and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets; and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them; and generally to prescribe and enforce
Authority of council as to use of streets, etc.	

all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council of the city shall have the same authority and powers over and in respect to the public streets and alleys of the city as are conferred by law upon highway commissioners in townships, except as by this act herein otherwise provided.

TITLE XIII.

SIDEWALKS.

SECTION 1. The council shall order, establish, construct and maintain sidewalks in the city of such dimensions and materials and under such regulations as they may deem proper for the public use and benefit of the city. They shall prescribe and prepare the grade therefor whenever necessary. The council may order the whole of such sidewalk to be built by the owner of the premises adjoining to or abutting on such sidewalks or they may provide that such portion of said sidewalks and of such material as they shall by ordinance or resolution declare, not exceeding one-half thereof exclusive of the grading, may be paid from the general sidewalk fund of the city, and the remainder thereof as ordered by said council shall be assessed and become a charge against the owner of said premises so adjoining to or abutting on said walks. Council to maintain, etc.
Cost, how paid.

SEC. 2. The council shall also have power to cause and require the owners or occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lots and premises and to keep the same free from obstruction, encroachment, incumbrance, filth and other nuisances. Removal of snow, etc.

SEC. 3. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, or pay such part of the cost thereof as mentioned and prescribed in the last two sections or shall fail to keep the same in repair or to remove the snow, ice and filth therefrom or to remove and keep the same free from obstructions, encroachments, incumbrances and other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks within such time and in such manner as the council shall require, the council shall cause the same to be done and such sidewalk to be constructed, repaired and kept free from snow and ice at the expense of such owner or occupant and the amount of all the expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent thereto and abutting upon such side- Failure of owner to construct, etc.
Expense.

Action of
assumpsit, to
collect.

walk and may be enforced by the sale of such property as the council shall by ordinance prescribe. And it shall also be lawful in case of the non-payment by the owner of said premises of the amount so charged against him for said city to sue for and collect said amount from him in an action of assumpsit for work done and materials furnished for his use and benefit.

Openings, etc.,
in sidewalks.

SEC. 4. The council shall have power to regulate and prohibit the construction and use of openings in the sidewalks and of all vaults, structures and excavations under the same and to prohibit and prevent obstructions, incumbrances and other nuisances upon the walk.

TITLE XIV.

SPECIAL ASSESSMENTS.

Board of
assessors, to
make.

SECTION 1. There shall be a board of assessors in said city consisting of three members, who shall be freeholders and electors in the city, to be appointed by the council on the nomination of the mayor as prescribed in section four of title six; they shall hold office for three years, and, until their successors are appointed and qualify. Members of the present board shall hold their respective terms of office. Special assessments authorized by this act shall be made by such board. They shall constitute a board of review and equalization of assessment rolls made by the supervisors. If a member of the board shall be interested in any special assessment the council shall appoint some other person to act in his stead in making the assessment, who for the purposes of that assessment shall be a member of the board. Their compensation shall be prescribed by the council.

To constitute
board of
review.

Resolution of
council as to
improvements.

SEC. 2. When the council shall determine to make any public improvement or repairs and defray the whole or any part of the cost and expense thereof by special assessment they shall so declare in the annual appropriation bill or thereafter by resolution stating the improvement and what part or portion of the expense thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city or from street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

Estimates,
etc., by whom
made.

SEC. 3. Before ordering any public improvements or repairs, any part of the expense of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made by the board of public works and also plats and diagrams when practicable of the work and of the locality to be improved, and deposit the same with the recorder for public examination, and they shall give notice thereof and of the proposed improvement or work, and of

Notice of im-
provement.

the district to be assessed, by publication for at least one week in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor no such improvement or work shall be ordered except by the concurrence of two-thirds of the aldermen elect, and in case of paving improvements except three-fourths of the aldermen elect shall concur.

SEC. 4. The cost and expense of any improvement which may be defrayed by special assessment shall include the cost of surveys, plans, assessments, notices, advertising and cost of construction. Cost, what to include.

SEC. 5. When any special assessment is to be made pro rata upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed, whether according to benefits or frontage, and describe or designate the lots and premises or locality constituting the district to be assessed. Resolution, what to state, etc.

SEC. 6. Upon receiving such order and directions the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessment thereon, and shall levy thereon and against such persons the amount to be assessed; assessing upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefits resulting to such lots from the improvement as ascertained in the manner directed by the council, and when such assessment is completed they shall report the same to the council. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of frontage of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. Assessment roll, when, how and by whom made.

SEC. 7. When any expense shall be incurred by the city upon or in respect to any separate or single parcel of land or premises, which, by the provisions of this act the council is authorized to charge and collect as a special assessment against the same and not being of that class of special assessments required to be made pro rata upon the several lots or parcels of land in an assessment district, an account of the labor or services, for which such expense is incurred, veri- Expense, etc., on single parcel, how reported, etc.

fied by the officer or person performing the labor or services with a description of the lot or premises upon or in respect to which the expense is incurred, and the name of the owner or person chargeable therewith shall be reported to the council in such manner as it shall prescribe.

Idem.

SEC. 8. The council shall determine what amount or part of every such expense shall be charged and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment, and it shall require all of the several amounts so reported and determined and the several lots or premises and the persons chargeable therewith respectively, to be reported by the recorder to the board of assessors for assessment.

When assessors to make roll.

SEC. 9. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll and levy a special assessment thereon, upon each lot or parcel of land so reported to them, and against the person chargeable therewith if known, the whole amount or amounts of all charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed the same shall be submitted to the city attorney who shall carefully review and return the same, within twenty days from the receipt of the same, to the assessors with such corrections as said city attorney may deem necessary, and after the same has been so corrected the assessors shall report said assessment to the council.

City attorney to review.

Assessment, where filed.

SEC. 10. When any special assessment shall be reported by the assessors to the council as in this chapter provided, the same shall be filed in the office of the recorder and numbered. Before adopting the assessment the council shall cause notice to be published for one week in some newspaper of the city of the filing of the same with the recorder and appointing a time when the council and assessors will meet to review the assessment. Any person objecting to the assessment shall file his objections thereto in writing with the recorder.

Notice of review.

Objections.

Review of assessment.

SEC. 11. At the time appointed for that purpose as aforesaid, the council and assessors shall meet and then or at some adjourned meeting, review the assessment, and the council shall correct the same if necessary and confirm it as reported or as corrected, or it may refer the assessment back to the board of assessors for revision or annul it and direct a new assessment, in which case the same proceedings shall be had as, in respect to the previous assessment. When a special assessment shall be confirmed, the recorder shall endorse a certificate thereof upon the roll showing the date of confirmation. The provisions of sections ten and eleven shall not apply to assessments upon a single parcel of land assessed for expense incurred by reason of the default of the owner in not complying with any order of the city made in compliance with this act.

Confirmation.

To constitute lien.

SEC. 12. All special assessments shall from the date of confirmation thereof constitute a lien upon the respective

lots or parcels of land assessed and shall be a charge against the persons to whom assessed until paid. And when any special assessment shall be confirmed by the council it shall be final and conclusive. But no such assessment shall be confirmed except by the concurrence of a majority of all the aldermen elect.

SEC. 13. Upon the confirmation of any special assessment the amount thereof may be divided into not more than ten installments, one of which shall be collected each year at such times as the common council shall determine, with interest payable annually at a rate not exceeding six per cent per annum, and warrants shall from time to time be issued for the collection thereof. The council shall have power to borrow the money necessary to complete such public improvement for which a special assessment roll shall have been made as aforesaid and issue for the amount of such loan the bonds of the city payable as may be provided by said council, and the said council shall reimburse the moneys so borrowed for the purpose of such public improvement from the proceeds of such special assessment. It shall only be lawful to issue such amount of bonds as may be necessary to pay for the portion of the expense of the particular improvement for which the special assessment is made, and any saving either in interest or premium on bonds or in amount thereof beyond the cost of preparing bonds for signature from the amount of the special assessment shall be pro rata for the benefit of the persons and lands assessed and shall be deducted from the last installment or installments of the said special assessment. Said bonds shall be payable as near as may be at the time when special assessments may with due diligence be collected: Provided, That before bonds shall be issued any person assessed may pay the amount assessed against him, and may have on the completion of the work such deductions as he may equitably be entitled to if the improvement shall have been made at a less cost than the amount of such special assessment.

Installments,
interest, etc.

Council may
borrow money.

Proviso.

SEC. 14. All special assessments, except such installments thereof as the council shall make payable at a future time as provided in the last section, shall be due and payable immediately upon the execution of the contract for the performance of the work and furnishing of the material for which special assessments are levied.

Assessments,
etc., when due.

SEC. 15. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

Special roll for
each installment.

SEC. 16. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments,

Proceedings
when lands
divided.

the council may require the board of assessors to apportion the uncollected amounts upon the several parts of the lots and lands so divided. The report of such apportionment, when confirmed, as heretofore provided, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

Insufficiency
of assessment.

SEC. 17. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may make an additional pro rata assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

When new as-
sessment to be
made.

SEC. 18. Whenever any special assessments, heretofore or hereafter made, shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as herein provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises and the reassessment shall to that extent be deemed satisfied.

Proceedings
same.

Lien not to be
impaired.

SEC. 19. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding, might have been lawfully assessed thereon.

Assessments,
when levied in
city tax roll.

SEC. 20. Whenever any special assessment shall be confirmed and be payable, the council may direct the recorder to levy the sums therein mentioned upon the respective lots and premises to which they are especially assessed, and against the persons chargeable therewith, as a tax, in the city tax roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said city tax roll, shall be collected and enforced with other taxes in the city tax roll and in the same manner; and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury.

May be col-
lected from
special roll.

SEC. 21. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessment to be levied in the city tax roll, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected

directly therefrom; and thereupon the recorder shall attach his warrant to a certified copy of said special assessment roll, wherein commanding the treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and that he pay the money so collected into the city treasury; and return said roll and warrant, together with his doings thereon, in sixty days from the date of such warrant. In case the warrant shall be renewed by direction of the common council, as provided in section twenty-four of this chapter, the recorder shall, in the certificate of renewal thereof, direct the treasurer to collect from the same persons named in said roll whose assessments remain unpaid, in addition to the several sums set opposite their respective names, one per cent on all sums paid during the first month of the renewal of said warrant and one per cent additional for each month or part of a month thereafter during which any sums shall remain unpaid so long as the warrant shall be renewed and remain in force.

Warrant of recorder.

Percentages

SEC. 22. Upon receiving said assessment roll and warrant, the treasurer shall proceed to collect the amounts assessed therein; and, if the warrant shall be renewed as provided for in section twenty-four of this chapter, then he shall also collect the percentages mentioned in the last preceding section.

Treasurer to collect.

If any person shall neglect or refuse to pay his assessment upon demand, the collector shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof, as may be necessary for that purpose, shall be applied to the payment of the assessment, and for the costs and expenses for said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Refusal to pay

SEC. 23. The treasurer shall pay the moneys and all the costs and expenses collected by him into the city treasury, and file a statement thereof with the recorder. He shall also make return of said assessment roll and warrant to the recorder, according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by his affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Treasurer to return roll, file statement, etc.

SEC. 24. Said warrant shall be renewed from time to time by the recorder, if the council shall so direct, and for such

Renewal of warrant.

time as they shall determine, but not to exceed four months in all, after the expiration of the sixty days mentioned in section twenty-one of this chapter, and during the time of such renewal the warrant shall have the same force, and the treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the treasurer unpaid as aforesaid the same shall then be returned to the treasurer of the county of Jackson with interest included from the date of the confirmation of the assessment and the same shall be collected by the county treasurer for the benefit of the city of Jackson as other delinquent taxes against real estate are collected as hereinafter provided.

Action for collection of assessment.

SEC. 25. At any time after a special assessment has become payable the same and also the percentage provided for in case of renewal of the warrant attached to the roll may be collected by suit in the name of the city against the person assessed in an action of assumpsit in any court having jurisdiction of the amount. In every action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be prima facie evidence of the regularity of all proceedings in making the assessment and of the right of the city to recover judgment therefor.

Evidence of regularity.

Judgment against defendant.

SEC. 26. If in any such action it shall appear that by reason of any irregularity or informality, the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged the court may, nevertheless, on satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly charged against such defendant or upon such lot or premises.

Provisions, when to apply.

SEC. 27. The provisions of the last two preceding sections shall apply as well to assessments made before the passage of this act and remaining unpaid as to those made after its passage.

TITLE XV.

APPROPRIATION OF PRIVATE PROPERTY.

Purposes for which property may be taken.

SECTION 1. Private property may be appropriated for public use in said city for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges; for buildings and structures for the fire department; for buildings and sites for public libraries; for public grounds, parks, market places and spaces; and for the improvement of water courses; for sewers, drains and ditches; for water works, and for necessary public buildings, hospitals, and public cemeteries. But such property shall

How taken.

not be taken therefor without the consent of the owner, unless the necessity for making such improvement and using such property, and the just compensation to be made therefor shall be determined by a jury of twelve disinterested freeholders; nor shall any improvement be ordered requiring the taking of private property except with the concurrence of two-thirds of the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

SEC. 2. When the common council shall deem it necessary to make any public improvement, requiring the taking or using of private property, not acquired by purchase, they shall so declare by resolution, describing the proposed improvement and each parcel of land designed to be taken, by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate when application will be made to the recorder for the impaneling of a jury to ascertain the necessity of making such improvement, and of using said land, and the just compensation to be made therefor.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with the recorder, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for one week in one of the newspapers of the city, the first publication of which shall be at least twenty days before the time fixed for the application. And a copy of said notice and resolution shall be served personally by the chief of police, any policeman or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city or elsewhere in the county; and if any such guardian, owner or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken the same length of time before making the application. A return by the sheriff, chief of police or policeman, of the service or posting of copies of said notice and resolution which return shall be conclusive as to the matters therein stated, and an affidavit of the publication of said notice and resolution shall be filed with the said recorder before or at the time of making said application. And after the publication and service or posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceeding shall be

Resolution to
take property.

Copy, where
filed.

Notice.

On whom
served.

Impaneling of
jury.

adjourned to by said recorder, he shall, upon the application of the city attorney, cause the chief of police, the sheriff, or one of the deputy sheriffs of the county, to make a list of the names of twenty-four disinterested freeholders, competent to serve as jurors. From said list the city attorney shall strike off six names and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the recorder shall strike off such names for him or them; and thereupon the recorder shall issue a venire directed to the chief of police or sheriff of the county to summon the twelve persons whose names remain upon said list to appear before said recorder, at a time and place in said venire to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said venire. Said venire shall be served by the chief of police, the sheriff or one of his deputies, as in other cases of venire. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

Guardian ad
litem, when
appointed.

SEC. 5. At the time of making the application to the recorder for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but if there should be no guardian, or if no such guardian shall appear to represent such infant or incompetent person, the recorder, before proceeding with the matter, shall appoint some disinterested person as guardian ad litem, to protect the interest of the person for whom he is so appointed.

Completing
panel.

SEC. 6. If upon the return day of said venire a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the recorder shall require the chief of police, sheriff, or one of his deputies, to summon immediately a sufficient number of competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any juror for cause, and the recorder shall determine as to the competency of the juror. Such juror shall be sworn to ascertain and determine the necessity of making such proposed improvement, and of taking the parcel, or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his interest in the land so taken.

May challenge
juror.

Jury to have
map, plat, etc.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed

improvement, showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands. And any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the recorder a statement of his interest in, and description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Statement of owner.

SEC. 8. The jury shall then, or at such other time as the recorder shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the recorder as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the recorder shall instruct the jury as to the provisions of this title relating to their duties.

Jury to examine premises.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to make such improvement and to take such parcel of land for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby; and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees, or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

Determination of jury.

SEC. 10. The jury shall make a report of their determinations and awards in writing. If they shall find such improvement necessary to be made, they shall so state in their report, and shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor; the name of the owner, and of any persons having separate claims thereon, by mortgage, lease or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease, or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the lands. They shall

Report, what to state.

report the lands if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the recorder within ten days after the empaneling of the jury.

Report, where entered.

SEC. 11. The recorder shall enter said report, and all proceedings had in the cause before him, in a docket to be provided for that purpose.

When new jury to be impaneled.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the recorder may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury; and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner, be had as often as necessary. If any juror, during the course of the proceedings, shall be unable to discharge his duties, the recorder may appoint another in his place, who shall have the like qualifications and be sworn, and exercise the same duties as the other jurors of the panel.

Judgment of confirmation.

SEC. 13. Upon filing the report and award made by any jury, with said recorder, a copy thereof may be taken by the city attorney, for the use of the council; and at any time thereafter, and within sixty days after the impaneling of the jury, making the report, the recorder upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said sixty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had as in case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section.

Aggrieved party may appeal.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the recorder a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the recorder a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said recorder, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the recorder the sum of three dollars for making his return to the appeal: Provided, Such shall not prevent the city from taking possession of and occupying the lands therein described for the purposes

To file bond.

Proviso.

of the proposed improvement, the same as if the appeal had not been taken.

SEC. 15. At the time of filing said claim of appeal the appellant shall present to the recorder a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said recorder shall, if necessary, cause the same to be corrected according to the facts of the case, and sign the same; and within ten days thereafter said recorder shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and said bill of exceptions, and file the same with the clerk of said circuit court.

Appellant to present bill of exceptions.

Recorder to sign.

SEC. 16. Upon filing the return of the recorder as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing on account thereof, the court shall remand the case, so far as affects the appellant, to said recorder, and a new jury may be called and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the recorder as to the necessity of making the improvement and of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

Proceedings of circuit court.

SEC. 17. Upon any dismissal of the appeal or rendition of judgment after trial in the circuit court said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council, and a certified copy of the proceedings of the circuit court shall be filed in the office of the recorder and noted in his docket. And unless the appellant shall recover judgment for at least thirty dollars more than the amount awarded to him before the recorder, he shall pay costs to the city; otherwise the court may award such costs to him as shall be just.

When court to confirm proceedings.

Costs.

SEC. 18. Certified copies of any judgment or confirmation of the circuit court, or of the recorder after the same has been

Evidence of regularity.

come final, and of the report of the jury thereby confirmed, shall be presumptive evidence of the matters therein contained, and of the regularity of all proceedings to appropriate the property sought to be acquired, and to confirm the same.

When council
to pay
awards.

Refusal etc.,
to accept.

SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the recorder shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed. And in case any such person shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

When fee to
vest in city.

Proviso.

SEC. 20. Upon the payment, tender or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances, and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer, of such payment, tender or deposit, or a record of such certificate in the docket of the recorder, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken: Provided, That in case of an appeal being taken by any party, no tender of the damages awarded by the jury shall be necessary to authorize the city to take and occupy such lands.

In case of
lease, etc.

SEC. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment and confirmation in the circuit court, or upon the confirmation by the recorder, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

TITLE XVI.

FINANCE AND TAXATION.

Fiscal year.

SECTION 1. The fiscal year of the city shall commence on the first day of March in each year unless otherwise provided by ordinance.

SEC. 2. The council of the city shall have authority, with- Authority of council.
in the limitations herein prescribed, to raise annually, by taxation within the corporation, such sums of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers by this act granted; but the bonded indebtedness of the city shall not at any time hereafter exceed three per cent of the real and personal property therein according to the assessed valuation thereof.

SEC. 3. The revenues raised by general tax upon all the Revenues, how divided.
property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:

First, Contingent fund—to defray the contingent and other Contingent fund.
expenses of the city, for the payment of which from some other fund, no provision is made;

Second, Fire department fund—to defray the expenses of Fire department.
purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

Third, General street fund—to defray the expenses of Street.
opening, widening, extending and altering streets, alleys and public grounds; for paving, repaving and repairing the same when not provided for by special assessment; for cleaning public streets, alleys and grounds and for the construction and repair of crosswalks;

Fourth, General sewer fund—to defray the expenses of Sewer.
sewers, drains, ditches, and drainage, when not provided for by special assessment, and the improvement of water courses;

Fifth, Bridge fund—for the construction and maintenance Bridge.
of bridges and culverts;

Sixth, Water fund—for constructing reservoirs and Water.
cisterns, and providing other supplies of water; for maintaining water works and extending water pipes;

Seventh, Public building fund—for providing for public Building.
buildings, including library buildings, and for the purchase of land therefor, and for the erection, preservation and repair of any such buildings, city halls, offices, prisons, watch houses, and hospitals, as the council is authorized to erect and maintain, and not herein otherwise provided for;

Eighth, Police fund—for the maintenance of the police of Police.
the city and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;

Ninth, Cemetery fund;

Tenth, Park fund;

Eleventh, Hospital fund;

Twelfth, Interest and sinking fund—for the payment of Sinking.
the public debt of the city and the interest thereon;

Thirteenth, Sidewalk fund—for the construction, repairing Sidewalk.
and cleaning of sidewalks;

Fourteenth, Such other general funds as the council may Other funds.
from time to time constitute.

Special funds. SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

Street district. First, A street district fund, for each street district—for defraying the expenses of grading, improving, repairing and working upon the streets therein, and for paving gutters on hillsides, and for the payment of all street expenses which the council shall charge upon the street district;

District sewer. Second, A district sewer fund, for each main sewer district—for the payment of the costs and expenses of sewers and drainage in, and chargeable to the main sewer district, when the city shall be divided into such districts;

Special assessment. Third, Special assessment funds—any money raised by special assessment levied in any special assessment district or special sewer district to defray the expenses of any work, paving, improvement, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised; and whenever any special assessment shall be confirmed by the common council and ordered to be levied or collected as provided in sections twenty and twenty-one of title fourteen of this act, the recorder shall transfer to the said special fund any sum of money that may have been appropriated by the common council from any general fund of the city for defraying a portion of the expense or cost of the particular improvement, work or repairs, etc., for which the said assessment was made.

Limit of tax for streets. SEC. 5. The council may also raise by tax in each street district for defraying expenses of working upon, improving and repairing and cleaning the streets of the district, and for all purposes for which the district fund above mentioned is constituted, a sum not exceeding in one year one-half mill on the dollar on the assessed value of the taxable real and personal property in the district, and the council shall have power in its discretion and at any time after the first day in November in each year to anticipate the collection of the street district tax of the succeeding year to an extent not exceeding fifty per cent thereof for the purpose of purchasing stone and crushing the same to be used for macadamizing the streets of any ward and to issue certificates of indebtedness payable out of said tax in payment of the same.

Interest and sinking fund. SEC. 6. The council shall raise annually one and one-half mills on the dollar of the assessed valuation of the property in the city to provide an interest and sinking fund to pay the funded debts of the city and interest thereon: Provided, however, That not less than twenty-five per cent of the amount realized from the sale or use of water shall be set apart by said council as a sinking fund for the payment of the bonds issued by said city, for the maintenance, extension or repair of said water works and the interest accruing thereon. And so much of the receipts thus realized from the sale or use of water as shall not be set apart as aforesaid, shall be used

Proviso as to water works.

for the maintenance, repair, improvement and extension of said water works and for no other purpose. Said council shall also raise and appropriate not less than seven thousand dollars in each and every year for the equipment and maintenance of the public library.

SEC. 7. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city for the purpose of defraying the general expenses and liabilities of the corporation and for all purposes for which the several funds mentioned in section three of this chapter are constituted and including the specific appropriations by this charter and by the general laws of the State, and forward district funds, for interest and sinking fund, for library fund and for the general street fund shall not exceed in any one year one and one-fourth per cent on the assessed value of all real and personal property in the city made taxable by law.

SEC. 8. During the month of February in each year it shall be the duty of the various administrative boards and of the officers of the city having charge of the several departments of the city government to transmit to the council estimates of all the expenditures which will be required to be made for the carrying on of said several departments of the city government and to make such recommendations to the council with respect thereto as in the opinion of the respective boards or officers transmitting the same shall be for the best interests of the city.

SEC. 9. The common council shall, on or before the first Monday in March in each year, pass or adopt a resolution to be termed "the annual appropriation bill" in which it shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, and for every deficiency for the current year, payable from the several general funds and from the street district funds, and order such amounts as may be necessary to be raised by tax within the next general tax levy to be paid into the several general funds and street district funds of the city within the limits elsewhere provided in this act. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the amount or part of any special assessment, or other sum which may be required to be levied or reassessed with the next general tax and the disposition to be made of such moneys. And shall also designate in said bill any local improvement which they shall deem advisable to make during the next fiscal year to be paid for in whole or in part by special assessments, and the estimated cost thereof; and shall at the same time by resolution, levy the aggregate of the taxes

mentioned in such appropriation bill upon the taxable property within said city. Such resolution shall declare that each and every important construction or repairs therein provided for, is determined by said common council to be a necessary improvement and shall direct the construction, erection or performance thereof by the board of public works of said city.

Further appropriations, when made.

Limit of amount.

Vote of electors.

Proviso as to issue of bonds.

Resolution of council as to submitting to electors.

SEC. 10. After the passage of the annual appropriation bill no further sums shall be used, raised or appropriated, nor shall any further liability be incurred for any purpose to be paid from the general fund or street district fund, during the fiscal year for which the appropriation was made, except in case of emergency or unforeseen contingency, unless the common council shall have determined by resolution, concurred in by two-thirds of the members elect of said council, that such expenditure is a necessity, and in no instance shall such sum exceed three thousand dollars; but if a greater amount be required in any year for the purpose of erecting public buildings or for the purchase of grounds therefor, or for other public improvements or purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this title, such amount may be raised by loan secured by the bonds of the city if authorized by a majority vote of the electors voting on such question at an annual or special city election. The amount that may be voted or raised in any year under the provisions of this section shall not exceed one-third of one per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls, and such loan shall be payable at such times as the common council shall direct: Provided, That the common council may by an affirmative vote of two-thirds of all the members elect, authorize in any year an issue of bonds for the purpose of paying matured or maturing bonds of the city; but such issue of bonds shall not in any year, together with the sum or sums voted by the electors of the city, exceed one-third of one per cent of the assessed valuation hereinbefore mentioned.

SEC. 11. The proposition to raise such additional amount shall be submitted to a vote of the electors by a resolution of the common council, approved by a two-thirds vote of the members elect, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised, which resolution when adopted shall be published in the official newspaper of the city, and copies thereof posted in five public places in each ward in the city at least two weeks before the election at which the vote is to be taken, which vote shall be by ballot.

TITLE XVII.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The supervisors shall in each year make and complete assessment rolls of all the real and personal property within their respective wards, liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner as required by law for the assessment of property by supervisors in the townships of the State; and in so doing shall conform as far as may be to the provisions of law governing the action of supervisors of townships performing like service, and shall make like certificates and attach to their assessment rolls, which rolls they shall deliver to the board of assessors acting as a board of review on or before the second Monday of May in each year.

Supervisors to
make assess-
ment rolls.

To whom
delivered.

SEC. 2. If any person residing in any ward of the city a part of the time during the year shall, in the opinion of the supervisor, unjustly or falsely claim exemption for taxation therein, on the ground that he or she has a residence elsewhere than in said city, the said supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such collector or receiver of taxes.

Assessment of
persons
claiming ex-
emption.

SEC. 3. All personal property found in any ward on the second Monday of April in any year may be assessed therein whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person shall be assessed for personal property belonging to such person, the board of review hereinbefore and hereinafter mentioned may direct as to the wards in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

Personal
property,
where
assessed.

SEC. 4. On the second Monday of May in each year the said board of review shall meet at the chamber of the common council and there proceed to review and correct the assessments made by the supervisors, and for that purpose said board shall have the same powers and perform the same duties in all respects as boards of review of townships in reviewing and correcting assessments. Said board shall continue in session not less than five days nor more than fifteen

Board of
review,
meetings of.

Length of
session.

Notice of.	days for the purpose of completing such review. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the recorder by publication in one of the newspapers of the city and by posting or causing to be posted twenty copies of such notice, in each ward of the city, at least one week before the time of the review.
When to attach certificate to roll.	SEC. 5. When the board shall have reviewed, equalized and corrected the assessment rolls of the several wards, they shall add their own certificate to each roll, signed by at least a majority of them, showing that they have reviewed the roll. The board of review shall have authority to equalize, alter, amend, and correct any assessment or valuation, and to place upon the assessment roll of the proper ward, any taxable property, real or personal, not already assessed, held or owned by any person or persons, and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering or correcting any assessment.
Authority of board.	
Roll, to whom delivered.	SEC. 6. When such assessment roll shall be completed it shall be delivered to the recorder, who shall immediately proceed to make therefrom a full and complete copy of such assessment roll for the use of the common council, which shall be deemed the city assessment roll for that year. When such copy shall be completed, and within fifteen days after receiving such rolls, the recorder shall re-deliver the same to the respective supervisors to be used for State, county and school purposes: Provided, That the common council may extend the time of re-delivering said roll as aforesaid, not to exceed fifteen days.
Proviso.	
Defective descriptions.	SEC. 7. Whenever, in consequence of a defective description or assessment of any lands, the same cannot be sold for the city taxes of any year, the common council may cause such taxes to be reassessed upon such lands with the next, or any subsequent annual tax levy. It shall be the duty of the recorder to annually report to the common council such defective descriptions and assessments before the annual tax levy.
Duty of recorder on completion of roll.	SEC. 8. It shall be the duty of the recorder, under the direction of the common council, whenever any assessment roll shall have been completed, in each and every year, to assess the taxes that have been levied by the common council for the year upon the taxable property of the city according, or in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the city for the year. He shall thereupon deliver to the city treasurer said assessment roll, with the taxes for the general funds of the city for the year, annexed to each valuation and carried out in a column thereof, and if there be other taxes assessed than for said general funds, they shall be carried out in separate columns, and all special assessments required by the common council, or the provisions of this act, to be

assessed, if in such roll, against any descriptions of land, shall be carried out in separate columns thereof and the total amount of taxes and assessments shall be carried out in the last column of such roll.

SEC. 9. The treasurer upon receiving such tax roll, shall give notice to the taxpayers of said city, that the same has been delivered to him, and that the taxes therein assessed can be paid to him at his office in said city, at any time within thirty days after the giving of such notice, without any charge or percentage for the collection thereof, which notice shall be given by publishing the same in two newspapers published in said city, and by posting the same in at least twenty public places in each of the wards of said city, and an affidavit or affidavits by him, showing the publication and posting of said notices shall be filed by him in the office of the recorder of said city; and it shall be the duty of the treasurer during said thirty days to be at his office from nine o'clock in the forenoon until four o'clock in the afternoon to receive payment of said taxes.

Treasurer
to give
notice of
receipt of
roll.

Office hours.

SEC. 10. Immediately after the expiration of the time mentioned in said notice, the recorder shall deliver to the city treasurer a warrant under the hand of the recorder and seal of said city commanding him to collect from the several persons named in said roll whose taxes remain unpaid, the several sums mentioned in the last column thereof, opposite their respective names, and in addition thereto one per cent upon all sums paid during the first month after the expiration of said notice, and one per cent additional for each month or part of a month thereafter for a period of four months, during which any sum shall remain unpaid, for collecting expenses on or before the day specified in such warrant, and four per cent only upon all sums collected after said period of four months has expired as a collection fee for said sums, and it shall authorize the treasurer in case any person shall neglect or refuse to pay his tax and said collection expenses to levy the same by distress and sale of the goods and chattels of such person: Provided, Such warrant may be renewed or extended by the common council from time to time, but not to exceed six months from the date of the original warrant.

Percentage,
when
charged.

Neglect to
pay tax, etc.

Proviso.

SEC. 11. The treasurer, upon receiving the warrant mentioned in the preceding section, shall proceed to collect the taxes and assessments therein mentioned that remain unpaid, and shall call upon each person whose taxes or assessments remain unpaid, if a resident of the city, at least once, and demand payment of the taxes and assessments charged to him upon said roll, and the percentage for the collection of the same, and in case of refusal or neglect to pay such taxes or assessments, and collection percentage, the treasurer shall levy the same by distress and sale of the goods and chattels of every such person, wherever found within the city, and may

Proceedings
to collect
unpaid taxes.

Roll, when
and to whom
returned.

take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice, and sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made. The treasurer, if otherwise unable to collect a tax on personal property, may sue the person, firm or corporation to whom it is assessed, in the name of the city, and garnishee any debtor or debtors of such person, firm or corporation, and the tax roll shall be prima facie evidence of the debt sought to be recovered; and the treasurer shall, within ten days after the time mentioned in his warrant for the collection of said unpaid taxes and assessments, return said tax roll into the office of the recorder, and in case any of the taxes or assessments mentioned in said roll shall remain unpaid and he shall be unable to collect the same, he shall make out a statement of the taxes and assessments remaining unpaid and due, with a full and perfect description of such premises from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax or assessment. And thereupon and immediately upon the completion of such statement, the city treasurer shall file the same with the treasurer of the county of Jackson and thereupon all of the unpaid taxes upon real property set forth in said statement shall be collected under the general laws of the State in the same manner and with like effect as delinquent lands returned by the township treasurers, but for the benefit of the city of Jackson, and the treasurer of said city shall have the right to appear upon the sale of such lands, if any shall be made by the county treasurer, and bid the same in if necessary for the benefit of the said city of Jackson.

TITLE XVIII.

FIRE DEPARTMENT.

Council to
establish, etc.

SECTION 1. The common council of said city shall have power to enact such ordinance and establish and enforce such regulations as they may deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom, and for this purpose may establish and maintain a fire department, organize and maintain fire companies, and provide for the efficiency of such department and companies.

Purchase
apparatus.

SEC. 2. The council may provide for the purchase of suitable fire engines, and such other apparatus, instruments and means for the use of the department as may be deemed neces-

sary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

SEC. 3. The council may also provide for the erection of all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department. Erect buildings.

SEC. 4. The board of fire commissioners shall continue, and the members thereof shall hold office during the terms for which they were respectively appointed. The mayor shall, on the first Monday of May in each year, with the advice and consent of the common council, appoint as provided in section four of title six, one member of said board, who shall hold his office for the term of three years from that date, and until his successor is appointed and enters upon the duties of his office. If for any cause the said appointment shall not be made on the said date, it may be made at some subsequent meeting of the council. The members of said board shall serve without compensation. Said board shall have the following power: Board of fire commissioners, terms, etc.

First, The charge of all engines, teams, instruments, tools, buildings, apparatus and other property of every name and nature belonging to or connected with the fire department of said city; Powers.

Second, The appointment of a chief engineer of the fire department, who shall have the supervision and direction of the department, subject to such rules and regulations as the board shall prescribe, and whose duty it shall also be to report promptly to the board of public works any and all repairs that may be needed to the public hydrants established in said city for use in cases of fire; Charge of equipment.

Third, The employment of all firemen and employes of the department: Provided, That the council shall fix the number of firemen and employes of the department; Appoint chief engineer, duties, etc.

Fourth, The charge and control of all expenditures of money appropriated for the purposes of said fire department: Provided, That said moneys shall not be expended for any purposes except those specified in the annual appropriation bill; Employ firemen.

Fifth, The auditing of all claims against said department for transmission to the common council for allowance; Expenditures. Proviso.

Sixth, To discharge any officer or employe of said department; Audit claims.

Seventh, The appointment of a city electrician who shall have the custody of the voting machines belonging to the city. And it shall be his duty when said machines are not in use to carefully store the same and protect them from injury; and upon notice from the recorder to place said machines in the proper voting precincts ready for use at least eighteen hours before the time of opening the polls at any election in the city where the use of said machines is authorized. Said Discharge.

	electrician shall perform such other duties in relation to his office as said board shall prescribe;
Rules, etc.	Eighth, To prescribe rules and regulations for the government of said department and the care of the property thereof;
Further powers.	Ninth, Such other powers as the council may from time to time confer upon said board by ordinance.
Aid at fires.	SEC. 5. The chief engineer, mayor, chief of police, and any officer of the fire department, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished; and in addition thereto, he shall be punished in such manner as may be prescribed by the ordinances of the city.
Refusal.	
Fire wardens, appointment, duties.	SEC. 6. The council shall provide, by ordinance, for the appointment of, and shall appoint, such number of fire wardens as they may deem necessary; and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus or devices in or near all the dwellings, buildings and structures within the city; and in all places where combustibles or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.
Fire limits.	SEC. 7. The council may prescribe by ordinance, from time to time, limits or districts within the city within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.
Location of shops, explosives, etc.	SEC. 8. The council may also prohibit, within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustibles and explosive substances, and the use of lights in buildings; and, generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.
When building declared nuisance.	SEC. 9. Every building or structure which may be erected, placed, enlarged, or kept in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.
Compensation.	SEC. 10. The chief engineer, officers, firemen and employes of the department shall receive such compensation as the board

of fire commissioners with the approval of the common council may prescribe; and during their terms of service shall be exempt from serving on juries.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor. When engineer may pull down building.

SEC. 12. The board of fire commissioners shall, on or before the first Monday of February in each year, report, in detail, to the common council the estimated expenses of the department for the current fiscal year, with such recommendations as to the purchase of new engines, apparatus, material, etc., for the use of the department as in the judgment of the board will be for the best interests of the city and most conducive to the efficiency of the department. Board to report to council.

TITLE XIX.

BOARD OF PUBLIC WORKS.

SECTION 1. The board of public works of said city shall continue, and the members thereof shall hold office during the term for which they were respectively appointed. The common council, at some regular meeting between the first day of March and the first day of April in each year, shall, on the nomination of the mayor, appoint, as prescribed in section four of title six, one member of said board to fill the place of the member whose term shall soonest expire, to hold office for five years. Vacancies occurring in said board shall, in like manner, be filled by appointment by the common council, upon the nomination of the mayor, which shall be for the unexpired portion of the term in which such vacancy may occur. Every member of said board shall, before entering upon the duties of his office, file with the recorder a written acceptance and oath of office. The term of office of members of said board shall commence at nine o'clock in the forenoon of the first Monday in May in the year of their appointment, except those appointed to fill vacancies, whose term shall commence from the time of filing with the recorder their acceptance and oath of office. The members of said board shall serve without compensation. How appointed, term, etc.

SEC. 2. Such board shall annually elect one of its members president, who shall hold office for one year and until his successor shall be appointed. The recorder, as secretary of said board, shall attend all meetings thereof, and keep a record of its proceedings, which shall be deemed a public record, and shall at all times be open to the inspection of the mayor and members of the common council, and all persons To elect president. Secretary, duties, etc.

interested therein. Said secretary shall perform such duties in such manner as the said board may direct.

Personal
interest in
contracts.

SEC. 3. No member of said board shall, during his term of office, hold any elective office under the charter of said city. Nor shall any member be personally interested, directly or indirectly, in any contract for any public improvement in said city, nor in the purchase, sale or disposition of any material to be used or applied in or about any public work or improvement under the control and supervision of said board.

Quorum.

SEC. 4. A majority of said board shall constitute a quorum for the transaction of business, but a majority of all the members thereof shall be necessary to decide questions before the board; and the record of the proceedings of the board shall show the vote of each member voting upon any question appropriating money, allowing claims, making or approving contracts or incurring expenditure in any manner, and whether he voted for or against such question.

Care of
water works.

SEC. 5. Said board shall have the care, and management of the water works as now constructed and as the same may be improved and extended, and of the maintenance and repairs thereof, and shall direct the manner of making connection with water pipes to consumers, and regulate the measuring and ascertain the amount of water furnished.

Charge of
sewers,
pavements,
wires, etc.

SEC. 6. Said board shall have the charge and management of the construction, repair and maintenance of all sewers built, or to be built in said city, of the improvement of water courses and the diking of Grand river; of the erection of public buildings, of the building of bridges, of the construction of pavements, sidewalks and crosswalks, of the graveling, working upon and otherwise improving the public streets, lanes and alleys within said city, of the laying of gas pipes, telephone and telegraph wires and of the making of all other public improvements from time to time ordered by said common council, except as herein otherwise provided.

Public
improvements.

SEC. 7. Said board shall have the charge of all public improvements, the making of which shall be provided for in the annual appropriation bill, but said board shall in all respects be bound by the limitations contained in said appropriation bill, as to costs, material and manner of construction, nor shall any such public improvement or repairs be made by said board, unless directions therefor are so contained in said appropriation bill, except as hereinafter provided. Nor shall any indebtedness whatever be incurred by said board beyond the appropriation of the council for that particular purpose. The powers of said board shall however be subject to such proceedings relative to special assessments as are herein otherwise provided for; and shall be further subject to any order or direction of the common council made after the passage of said annual appropriation bill relative to the work, improvement, directions, constructions and repairs therein provided for if regularly adopted by a majority vote of the members elect of said council.

Powers of
board.

SEC. 8. Whenever the council shall decide that an exigency Idem. exists requiring the construction or repair of any public work or improvement not provided for in the annual appropriation bill and determining that the same is a necessary improvement, and appropriating money therefor under the provisions hereinbefore contained with reference thereto, the said board shall proceed thereon in like manner and shall have power with respect thereto to the like extent as though the directions therefor had been contained in the annual appropriation bill.

SEC. 9. Whenever any special assessment to defray the cost of any work or improvement shall have been levied by the council, and the assessment roll placed in the hands of the city treasurer for collection, the said board shall advertise for sealed proposals for making such improvement. Publication shall be made for at least one week in such newspaper or newspapers published in said city as the board may designate for such proposals, which shall include the performance of the necessary labor and furnishing materials therefor: When to advertise for proposals. Provided, That if the estimated cost of the improvement shall not exceed one hundred dollars, said board may in its discretion omit to advertise the same and may procure proposals without so doing. In such publication said board shall reserve the right to reject any and all bids. Proviso.

SEC. 10. The council shall, by resolution, direct the said board to enter into a contract with the lowest responsible bidder for the furnishing of material and the performance of the labor necessary for making any public improvement for which bids or proposals have been so reported, and said council may direct the execution of said work for the making of the improvement in any other mode than by contract by the votes of a majority of the members elect of the council. Contracts, to whom let.

SEC. 11. All contracts made by said board shall be in the corporate name of the city and shall be signed by the recorder and countersigned by the president of the board. How signed.

SEC. 12. All claims for work done under the supervision of, or expenses incurred by said board shall be audited and reported by it to the common council. Said board may reconsider its action upon any such claim at any time prior to its payment, but unless reconsidered the auditing thereof by said board shall be final as to the acceptance of the work or material for which said claim is made, and the council shall order the same paid. Such audit shall not however in any case estop the city from thereafter contesting the sufficiency of the service, labor, material, building, erection or article to comply with any contract under which the same was furnished or in any way to qualify the liability of any contractor upon any warrant expressed or implied governing the furnishing thereof. To audit claims, etc. Not to estop city.

SEC. 13. It shall be the duty of the board from time to time to make estimates of the amount earned and payable upon any contract for public work or material connected To make estimates, etc to council.

therewith and report the same to the council, and thereupon it shall be the duty of the council without unreasonable delay to order the payment of the amount so reported.

When may
suspend or
relet work.

SEC. 14. Said board shall reserve the right in all contracts to determine finally all questions as to the proper performance of such contracts and as to the completion of the work specified therein, and in the case of a dilatory, improper or imperfect performance thereof to suspend the work at any time, to order the partial or entire reconstruction of the same if imperfectly done, or to relet the work covered by such contract, or any unfinished portion thereof, whenever from unreasonable delay in performing the work or other just cause they shall deem such contract forfeited and power is hereby given said board to determine all such questions arising under any such contract according to the true intent and meaning thereof.

Monthly
report.

SEC. 15. Said board shall make a report to the common council in writing, on oath, of the person having charge of the work that has been performed, once in each month, and oftener if required, giving an exact statement of all labor performed by said board or under its supervision and the charge therefor, and the street or place where such material was used or labor performed; and further showing the items and purpose of all expenses incurred since their last preceding report, and no claim for labor or services performed, or for expenses incurred by it shall be audited by said board until reported on oath as aforesaid.

When board
to appoint
officers, etc.

SEC. 16. The said board shall on or before the third Monday in February in each year appoint and employ such officers, engineers and laborers as may be necessary to carry into effect the powers and duties herein conferred and imposed, and all officers so appointed shall hold their respective offices at the pleasure of said board.

Annual
report.

SEC. 17. Said board shall on or before the first Monday in February in each year report to the common council the estimated expense of all officers and employes whom by this act they are empowered to appoint or employ. They shall also at the same time report and recommend to said common council the making of such public improvements as in the judgment of said board shall be for the best interest of the city and the estimated cost thereof.

TITLE XX.

MISCELLANEOUS.

Process,
how served.

SECTION 1. All process against the city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor or recorder.

Plats, etc.,
when
approved by
council.

SEC. 2. No plat and dedication of any street and public grounds within the city shall be approved by the council until the proprietor thereof shall file with the recorder a cor-

rect survey, plan and map of such grounds, and the divisions thereof, showing the relative position and location of lots, streets and alleys (with respect to the adjacent lots, streets and alleys) of the city; nor shall any such plan and map divided and platted into lots, streets and alleys, be recorded in the office of register of deeds for said county of Jackson until the survey, plan and map aforesaid is filed with the recorder; nor shall any such map be approved by the council unless the dedication of the streets thereon shall be such as to vest in said city absolute control over streets; and such approval and acceptance by said council shall be by ordinance or resolution.

SEC. 3. All acts or parts of acts contravening the provisions of this act, or inconsistent herewith, are hereby repealed: ^{Repealing clause.} ^{Proviso.} Provided, This act shall not invalidate any legal act done by the mayor, recorder and aldermen of the city of Jackson, or by the common council, or any officer of said city. All ordinances, by-laws, regulations, resolutions and rules of the common council of the city of Jackson, now in force, and not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council under this act, and after the same shall take effect. All property, real and personal, and rights of property in law or in equity, and all debts, fines, penalties, forfeitures, rights and causes of action which belong, have accrued or may accrue to said city of Jackson, shall be fully and absolutely vested in the said city of Jackson, to be held subject to the provisions hereof, and may be prosecuted for, recovered, claimed, and maintained by said city of Jackson, in its own name, or in any other lawful manner. All writs, prosecutions, actions and ^{Writs, etc., to continue.} causes of action now in suit or instituted by or against or in behalf of the city of Jackson, shall continue and may be prosecuted to the end thereof, to the same effect as if this act had not been passed; and said city of Jackson shall pay and discharge all the debts, obligations, contracts and liabilities thereof.

This act is ordered to take immediate effect.

Approved March 20, 1905.

[No. 400.]

AN ACT to organize and incorporate the township of Avery, Montmorency county, as a single school district.

The People of the State of Michigan enact:

SECTION 1. The territory embraced in the township of Avery, in the county of Montmorency, is hereby declared to ^{Declared single school district.}

Body corporate.	be a single school district which shall be a body corporate by the name and style of "The public schools of the township of Avery," and by that name may sue and be sued for all school debts properly contracted, and shall be subject to all the general laws of this State relating to corporations, so far as the same may be applicable; and said school district shall have all the powers and privileges conferred upon primary and graded school districts by the general laws of this State. All schools in said district, and all schools hereafter organized therein in pursuance of this act, shall, under the directions and regulations of the board of education, be public and free to all persons, actual residents within the limits thereof five years of age and over.
Powers and privileges.	
To be public and free.	
Officers.	SEC. 2. The officers of said district shall consist of the supervisor of the township, who shall be ex officio president of the board and shall not at the same time he is supervisor hold the office of trustee, and four trustees, who shall constitute the board of education of said district; the terms of office of said trustees shall be four years each and until their successors are elected and qualified. Said trustees shall be elected by ballot at the annual township meeting of the township of Avery, upon the same ticket, and the vote for members of the board of education shall be canvassed in the same manner as is the vote for township officers. The first election under the provisions of this act shall be held on the first Monday of April in the year one thousand nine hundred five, at the usual place of holding the township election, at which time there shall be elected four trustees who, with the supervisor of the township, shall constitute the board of education thereof; notice of the time and place of such election shall be given by the township clerk by printed or written notices posted in at least five public places in said township at least ten days before the holding of such election. One trustee shall be elected for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years, and at said first election the term for which the trustee is elected shall be designated on the ballot as follows: "For member of the board of education for the term of one year," etc. At the annual township meeting of each succeeding year one trustee shall be elected to fill the vacancy occurring at that time.
Trustees, term of office of.	
When elected.	
First election of.	
Township clerk to give notice of.	
Term of office indicated on ballot.	
Trustees elect, clerk to notify.	SEC. 3. Within five days after the annual township meeting in said township the township clerk shall notify in writing the persons elected as trustees under the provisions of section two of this act, and within five days thereafter the said trustees so elected shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution, before the township clerk or some other officer authorized to administer oaths, and file the same with the township clerk who shall record the same in the records of the proceedings to be kept by said board of education, and any trustee here-
When to subscribe oath.	
Where filed.	

after elected shall be notified in the same manner and shall take the same oath of office within five days after his notification as is herein provided for the trustees first elected. The term of office of all trustees elected as provided in this act shall commence on the third Monday of April following the annual township election at which they are elected.

When term of office to commence.

SEC. 4. The township clerk of the township of Avery, annually elected, shall be ex officio clerk of said board of education and shall perform such duties as said board may require but shall not be entitled to vote therein, and in case of the absence of said clerk the board may by resolution appoint some suitable person to perform such duties.

Township clerk, ex-officio clerk, board of education.

SEC. 5. The board of education elected at the annual township meeting in the year one thousand nine hundred five shall meet on the third Monday of April following said election, and annually thereafter, and elect from their own number a treasurer who shall hold his office for one year from said third Monday of April and until his successor is elected and qualified. The board of education may fill by appointment any vacancy that may occur in the office of trustee until the next annual election and each trustee so appointed shall within ten days thereafter file with the clerk of said board the oath of office as prescribed in section three of this act.

Board of education, when to meet and elect treasurer.

Term of office.

Vacancy on, how filled.

SEC. 6: A majority of the members of said board of education shall constitute a quorum and the regular meetings of said board shall be on the third Mondays of April, August, September, December and March in each year, and no notice of such meetings shall be required, and the president and clerk, or any two members of said board, shall be sufficient to adjourn any meeting from time to time until a quorum be present, and special meetings of said board may be called at any time on the request of the president or two members of said board, in writing, delivered to the clerk, and the clerk on the receipt of such request shall at once notify, in writing, each member of said board of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the office of the township clerk unless otherwise directed by resolution of the board of education, and all business which the board of education is authorized to perform shall be done at a regular meeting thereof, or at a special meeting properly called. All the records and papers of said school district shall be kept in the custody of said township clerk and shall be open to inspection at any time by any legal voter of said district.

Regular meetings of.

No notice required.

Who may call special meetings.

Clerk to give notice of meetings.

Meetings, where held.

Clerk to have custody of records, etc.

SEC. 7. All the school property, real and personal, within the limits of the township of Avery heretofore belonging to the different primary school districts in the township of Avery shall by force of this act become the property of said public schools of the township of Avery hereby organized; and all the credits of the several primary school districts at the pas-

Property transferred.

Credits and debts transferred.

sage of this act shall belong to the said public schools of the township of Avery hereby organized, and all the indebtedness of said several primary school districts at the time of the passage of this act shall be assumed and paid by the public schools of the township of Avery hereby organized.

Board of
education
may purchase
sites, erect
buildings, etc.
Power of.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase schoolhouse sites, erect buildings and furnish the same, by a majority vote of said district board, and shall have power to employ legally qualified teachers, provide books for district library, to make by-laws in accordance with the general laws of the State as to taking the school census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law so that the said district may be entitled to its proportion of the primary school interest fund, to make all necessary rules and regulations concerning the general management of the school, and to select textbooks for the use of the schools in said township, provided their acts in this respect are not inconsistent or do not conflict with any general law relative to textbooks, and generally to do the things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of the thorough education of the children thereof; and it shall be the duty of said board to apply for and receive from the county treasurer, or other officers holding the same, all moneys apportioned for primary schools and the district library of said district, and may adopt such by-laws and rules for their own procedure as they may deem necessary: Provided, That the board of education shall divide the township into sub-districts and establish schools therein whenever in their judgment such sub-districts may become necessary: Provided further, That it shall be the duty of said board to provide a school within reasonable distance of all children residing in said township, or provide for their transportation to schools already established.

Duty of.

Proviso as
to sub-
districts.

Further
proviso, as to
location of
schools, etc.

When to
estimate
necessary
taxes for
ensuing year.

Clerk to
report and
certify amount
to supervisor.

How tax
levied and
collected.

SEC. 9. The board of education, at their regular meeting on the third Monday of August in each year, shall make an estimate of and determine the amounts of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditures within the powers of said board, which estimates shall specify the amounts required for different objects of expenditures, and such shall be entered in the records of proceedings of said board; and the clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary, and certify the same to the supervisor of said township of Avery, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township

taxes: Provided, That for purchasing school lots and erecting schoolhouses no greater sum than five mills on the dollar of all taxable valuation of the real and personal property of said district shall be levied in any one year not more than five years from and after the passage of this act, and no greater sum than three mills on the dollar the years thereafter.

Proviso, as to amount of tax.

SEC. 10. The treasurer of the board shall have the keeping of the school and library moneys and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall before entering upon the duties of his office give a bond to said district in such sum and with such sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.

Treasurer of, who to sign orders on.

To give bond.

SEC. 11. The said board shall annually, and on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed during the preceding year and the expenditures of said board for all purposes, and all the resources and liabilities of said district, which report or statement shall be entered at length in the records of said board and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of said township of Avery, at their annual township meeting on the first Monday of April thereafter, between the hours of twelve o'clock noon, and three o'clock in the afternoon.

Board to make annual statement. What to contain.

When to be read.

SEC. 12. The treasurer of the township of Avery shall, at any time at the request of the board of education, report to the clerk the amount of school money in his hands, and shall, on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which shall be filed with the clerk of said board.

When township treasurer to pay over moneys.

SEC. 13. All taxes assessed within said township of Avery for school purposes shall be set forth in the assessment roll of said township, in a separate column, apart and distinct from all other township taxes.

School taxes to be kept separate.

SEC. 14. The compensation of the members, president and clerk of said board of education shall be one dollar and fifty cents for attendance upon regular meetings of the board provided for in this act, bills for the same to be audited by said board of education at any of its regular meetings.

Compensation of members.

SEC. 15. The said board shall be the board of school inspectors for said district and shall, as such, report to the clerk of the county in which such township is located and shall have all the powers and perform all the duties now en-

To be board of school inspectors.

Clerk to be
chairman.

Board of
school in-
spectors
abolished.

joyed and performed by boards of school inspectors; and the clerk of said board shall perform all the duties required by law of the chairman of the board of school inspectors; and the board of school inspectors for such township is hereby abolished, except as its powers are vested in said board of education.

This act is ordered to take immediate effect.

Approved March 20, 1905.

[No. 401.]

AN ACT to provide for the election of one justice of the peace and one constable in the city of Owosso, and to prescribe their powers, duties and compensation.

The People of the State of Michigan enact:

City to elect
but one
constable and
one justice.

SECTION 1. Hereafter there shall be but one justice of the peace and but one constable in the city of Owosso, who shall be elected, and shall have such powers, perform such duties and receive such compensation as are prescribed in this act.

Justice of
peace, when
elected.

SEC. 2. On the first Monday in April, nineteen hundred five, and every four years thereafter, the qualified electors of said city shall elect one justice of the peace for said city, who shall qualify and enter upon the duties of his office in the same manner as other justices of the peace in the State of Michigan. In case of a vacancy in said office of justice of the peace, the mayor shall, by and with the advice and consent of the common council of said city, appoint a suitable person to fill the same, but only until the next election, regular or special, held in said city.

Vacancy,
how filled.

Office of
certain justices
abolished.

SEC. 3. The office of justice of the peace, the term of whose incumbent expires this year, is hereby abolished; and the office of justice of the peace, the term of whose incumbent expires in the year nineteen hundred seven, shall be abolished at that time, or at any time prior thereto, should the office become vacant by the death or resignation of said incumbent.

Jurisdiction of,
in criminal
proceedings.

SEC. 4. The justice of the peace of the city of Owosso shall have the same jurisdiction in criminal proceedings as are now conferred upon justices of the peace by the laws of the State. He shall have original jurisdiction of all civil actions, not otherwise prohibited by law, wherein the debt or damages do not exceed one hundred dollars and concurrent jurisdiction in all civil actions upon contract, express or implied, wherein the debt or damages do not exceed five hundred dollars. He shall have such jurisdiction to hear, try and determine all actions arising within said city for the recovery of the possession of lands under the provisions of

Civil.

Recovery
of lands.

chapter two hundred eleven of the compiled laws of eighteen hundred seventy-one and the acts amendatory thereto, as is conferred upon justices of the peace of townships to hear, try and determine all actions arising within townships under said chapter and amendatory acts. Said justice shall also be qualified and empowered to administer oaths, take acknowledgments of deeds and solemnize marriages, as other justices are authorized by law to do.

May administer oaths, etc.

SEC. 5. Said justice of the peace shall be authorized to receive from the two justices of the peace whose offices are by this act abolished, at the expiration of their respective terms of office, all files, records and dockets kept by them, appertaining to their said offices, and said justice shall be and is empowered to issue executions according to law upon any judgments appearing upon said dockets, with the same effect as if said judgments had been rendered by him; and any action or proceeding, pending before either of said justices at the time his said term of office shall expire, shall be transferred to the justice elected under this act, and he shall have full jurisdiction to proceed with the same in the same manner as said justices themselves might have done.

Authorized to receive records and dockets of other justices.

May issue executions on docketed judgments.

Proceedings transferred.

SEC. 6. In addition to his duties as a justice of the peace under the general laws of the State, said justice shall perform the duties of police justice of the city of Owosso, to try and determine all cases arising under the ordinances of said city, as hereinafter provided. As such police justice, in addition to the surety required by general law to be given by justices of the peace, he shall, before entering upon the duties of his office, execute a bond to the city of Owosso with one or more sufficient sureties to be approved by the mayor, which approval shall be endorsed on such bond, in a penalty of one thousand dollars, conditioned for the faithful performance of the duties of police justice, and to pay over the moneys collected and to make his reports and verified statements of his accounts as herein required.

Shall perform duties of police justice.

Execute bond

Amount of.

SEC. 7. In case of the absence, disability or disqualification of said justice of the peace the present justice of the peace whose term does not expire until nineteen hundred seven, shall be qualified to perform the duties of police justice of the city of Owosso and shall so act. After the expiration of the term of office of said present justice, then, in case of the absence, disability or disqualification of said justice of the peace of the city of Owosso, any justice of the peace of the township of Owosso, in the county of Shiawassee, shall be qualified to act as justice of the peace and police justice for the city of Owosso, and shall so act, when requested by the mayor or by the justice. Such acting justice shall be entitled to receive pro rata, for the time he shall so serve, the salary which would otherwise have been payable to the justice elected under this act.

In certain cases, who may act as police justice.

When justice of township may act.

Compensation.

Shall keep
separate
docket.

SEC. 8. Said justice of the peace shall keep the same dockets as are required of other justices of the peace under the general laws of the State, in both criminal and civil proceedings, and shall keep a separate docket, in the same manner and form, as near as may be, of his proceedings and judgments as police justice of said city. All such dockets shall have the same force and effect as records and evidence as the dockets of other justices of the State of Michigan.

Council shall
furnish
quarters,
dockets, etc.

Salary.

SEC. 9. The common council of the city of Owosso shall furnish suitable quarters for the holding of said court, shall furnish all dockets and legal blanks and stationery necessary to properly conduct the office of said justice, and shall pay to the said justice of the peace a salary of one thousand dollars per annum, payable monthly. He shall receive no fees or perquisites of any kind whatever for the performance of any duties connected with his office, except marriage fees; but all such fees as are hereinafter provided to be taxed by him and collected in civil cases and all such fees as are by the general laws of this State properly taxable by a justice of the peace in criminal cases, shall be taxed and collected in like case by the justice of the peace of the city of Owosso, and paid into the city treasury within five days after they shall have been so collected.

Fees to be
taxed and
collected.

Where paid.

Fines,
penalties,
where paid.
Monthly
report, what
to contain.

SEC. 10. All fines, penalties or forfeitures recovered before said justice for violation of any city ordinance shall, when collected, be paid into the city treasury, and said justice shall report on oath to the common council, at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys by him received for and on account thereof, which moneys so received or which may be in his hands, collected on such fine, penalty or forfeiture, shall be paid into said city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office, and for any neglect in this particular he may be suspended or removed from office.

Cause for
removal.

When to
report un-
claimed
stolen
property.

SEC. 11. It shall be the duty of said justice of the peace, at the first regular meeting of the common council; in each of the months of August, November, February and May in each year, to account on oath, before the common council for all such moneys, goods, wares and merchandise, seized as stolen property, as shall then remain unclaimed in the office of said justice of the peace, and immediately thereafter to give notice for four weeks in one of the public newspapers printed in said city, to all persons interested or claiming such property: Provided always, That if any goods, wares, merchandise or chattels of a perishable nature, or which shall be expensive to keep shall at any time remain unclaimed in the office of said justice, it shall be lawful for such justice to

Proviso as
to perishable
property.

sell the same at public auction, at such time, and after such notice as to him and the said common council seem proper.

SEC. 12. It shall be the duty of the justice of the peace aforesaid, who may recover or obtain possession of any stolen property, on receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses which may have been incurred in the recovering, preservation, or sustenance of such property, and the expenses of advertising the same, unless the attorney of the city or the prosecuting attorney of the county of Shiawassee shall otherwise direct.

When to return property to owner.

SEC. 13. It shall be the duty of the justice of the peace as aforesaid, to cause all property unclaimed after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Shiawassee shall direct that it remain unsold for a longer period, to be used as evidence in the administration of justice, and the proceeds thereof forthwith to pay to the treasurer of the said city, together with all the money, if any, which shall remain in his hands, after such notice, as aforesaid, first deducting the charges of said notices of sale.

When to cause property sold.

Proceeds, paid to city treasurer.

SEC. 14. The justice of the peace of said city shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing, on oath, to inquire into, and try and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of its legal powers, and to punish the offenders, as by said by-laws or ordinances shall be prescribed or directed; to award all process, take recognizances for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion may require: Provided, That any person making said complaint (except city officers) shall give security for costs in the same manner as is required in criminal cases under the general laws of this State, which security shall have the same force and effect, and judgment shall be rendered against said complainant and surety, and execution issued thereon, when the justice shall be satisfied there was not reasonable cause for making said complaint.

To try and determine offenses against by-laws, etc.

To award process, etc

Proviso as to security for costs.

SEC. 15. Whenever any person shall be charged with having violated any ordinance of the common council, by which the offender is liable in imprisonment, the justice of the peace of said city, to whom complaint shall be made in writing, and on oath, shall issue a warrant directed to the marshal of the city of Owosso or to the sheriff or any constable of the county of Shiawassee, commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and the marshal or other officer, to whom said warrant shall be delivered for service, is hereby required to execute the same in any part of this State, where

When warrant to issue for arrest of offender.

Officer to execute warrant in any part of state.

such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

Civil actions,
fees required
in.

SEC. 16. In every civil action or proceeding, except garnishment proceedings commenced in said justice court, there shall be paid to said justice by the plaintiff, an entry fee of one dollar and before the trial of any action or proceeding shall be commenced, such party shall pay a judgment fee of one dollar in cases where the defendant shall not appear and join issue, and two dollars in cases where issue is joined between the parties; but in case of nonsuit before commencement of trial no judgment fee shall be required; proceedings in garnishment shall be treated as part of the principal cause and no additional fee shall be required therefor, except when an issue of fact shall be joined in respect to the liability of any garnishee; in such case, a judgment fee of two dollars shall be paid before such trial shall commence. The fees provided in this section shall be in full for all services and proceedings in said cause to and including the issue of an execution upon the judgment therein, and shall be taxed in favor of the party paying the same if he be the prevailing party in the suit. The jury and officers' fees provided by general law shall be paid in addition to the foregoing fees.

How taxed.

Jury and
officers' fees.

Additional
fees.

Criminal
action, costs
taxable in.

Moneys,
where paid.

Witness fees,
etc., how paid.

Fines paid
county
treasurer.

General
laws to
govern.

For all services and proceedings subsequent to the issuing of an execution or for the purpose of staying proceedings or removing causes to an appellate court, there shall be paid to the said justice the fees provided by law. In all criminal cases where a fine may be imposed it shall and may be lawful to include in the sentence such an amount for costs as would be taxable under the general laws of the State, in justices' courts and all such costs and fees and moneys collected by such justice for or on account of the business of his office, except as herein otherwise provided, shall be paid over by said justice to the city treasurer as hereinbefore provided. The fees of witnesses and jurors in criminal cases shall be paid in the same manner as is now provided by law for the payment of such fees by justices in townships, and all fines imposed by the said justice for the violation of any of the criminal laws of this State, except such as are imposed as costs as aforesaid, shall be, by the said justice of the peace, paid to the treasurer of the county of Shiawassee as required by law. Except as herein otherwise provided, the general laws of the State with reference to justice courts and justices of the peace shall be applicable to the said justice of the peace and the court held by him. The said justice shall, in criminal cases, make such report of the proceedings thereof to the prosecuting attorney of the county of Shiawassee as is or may be required by law of justices of the peace in cases brought before them.

When justice
to present
statement
of account
to council.

SEC. 17. The justice of the peace shall keep a just and true account of all fees which, by law, he would be entitled to receive for performing services in criminal cases, if such

services were not compensated by salary as herein provided, and at least fifteen days before the regular meeting of the board of supervisors in January and October in each year, he shall present to the common council a verified statement of such account, together with the statement of the constable's account, certified by him as hereinafter provided, for examination and approval. And the common council shall examine said accounts and may suggest corrections or amendments thereto, and said accounts, when approved by the common council, shall be presented to the board of supervisors at its then next meeting and the same shall be audited and the amount justly due thereon, allowed as other bills of justices of the peace and constables are allowed for similar services. For the amount so allowed, a warrant shall be drawn by the county clerk upon the county treasurer in favor of the city of Owosso and delivered to the treasurer thereof. In case of examination of offenders by said justice for offenses committed against the criminal laws of this State, where such justice has jurisdiction to examine and to hold to bail only, it shall be lawful for said justice, on motion of the prosecuting attorney, to cause an order to be entered in the records of such court before or during the pending of said examination, appointing some suitable stenographer to take down in shorthand the testimony of such examination; and such stenographer, so appointed shall receive such per diem compensation for the time so expended in taking such testimony and such price per folio for writing out the same in longhand, as shall be fixed by the board of supervisors, the same to be allowed and paid out of the treasury of said county.

Account, how audited.

How paid.

When justice may appoint stenographer.

Compensation of.

Sec. 18. The office of constable in each ward of said city of Owosso is hereby abolished; and, at the election held on the first Monday in April, nineteen hundred five, and at every annual election thereafter, there shall be elected on the city ticket one constable, who shall hold office for one year. He shall have like powers and authority in matters of civil and criminal nature and in relation to the service of all manner of civil and criminal process as is conferred by law upon constables in townships. He shall have power to serve all processes issued for breaches of the ordinances of the city and shall be ex officio a member of the police force of said city. He shall obey all lawful orders of the mayor, or any alderman, chief of police and of the justice of the peace; and he shall attend upon the court of said justice of the peace whenever required so to do by the said justice of the peace. He shall discharge all duties required of him by any ordinance, resolution or regulation of the common council; and for any refusal to perform any duty lawfully required of him said constable shall be subject to a penalty of not less than five nor more than fifty dollars; and he and the sureties upon the bond to be filed by him as hereinafter required, shall

Constable, when elected.

Powers of.

Duties of.

Penalty for neglect of duty.

To give bond.	be liable to any person injured for any neglect or refusal on his part to perform any lawful duty required of him. Said constable, before entering upon the duties of his office, shall give such security for the performance of his duties as is required of constables in townships and also such as may be required by the common council of the city of Owosso, and file the same with the city clerk. Said constable shall receive a salary, to be determined by the common council of the city of Owosso on or before the thirty-first day of March, in the year nineteen hundred five, and on or before the thirty-first day of January in each year thereafter, for the ensuing year, to be paid monthly by the treasurer of said city in the same manner that other salaries are paid. The said salary shall not exceed the sum of five hundred dollars per year.
Salary of.	Said constable shall receive no fees or perquisites for the performance of any duties required of him as said constable in criminal cases, except that in criminal cases and in cases brought for any breach of the ordinances of said city for services performed outside of the city, he shall receive from the city of Owosso, his actual and necessary expenses, to be allowed by the common council like other claims. Said constable shall keep a correct itemized account of all such expenses, and of all fees in criminal cases which by the general laws of this State he would be entitled to receive for services rendered by him as constable, if compensation for such services were not made by salary as herein provided, and file a verified statement thereof with the justice of the peace at the close of each month. Said justice shall examine the same and shall certify thereon whether he believes the same to be correct, and transmit the same together with the verified statement required of him by section seventeen of this act, to the common council.
How paid.	
Shall receive no fees.	
To keep account of expenses.	
Account, where filed.	
Justice to certify to.	

Certain act to govern.

SEC. 19. The said justice of the peace and the said constable shall, as regards their jurisdiction, powers and duties, be governed by the provisions of the general laws of the State and of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, entitled, "An act to provide for the incorporation of cities of the fourth class," except so far as is otherwise provided in this act.

This act is ordered to take immediate effect.

Approved March 20, 1905.

[No. 402.]

AN ACT to authorize the city of Manistique, to borrow, on the faith and credit of said city, money to be used to pay for the construction of a system of water works and sewers, and to issue the bonds of said city therefor, and to provide by tax for the payment thereof.

The People of the State of Michigan enact:

SECTION 1. The city of Manistique, in the county of Schoolcraft, is hereby authorized to borrow money on the faith and credit of said city, to be used for the construction of a system of water works and sewers for said city, and to issue the bonds of said city therefor. Said bonds shall not exceed in amount the sum of one hundred twenty-five thousand dollars, and shall be issued for a term of not more than thirty years, and shall bear interest at not more than five per centum, per annum, payable annually or semi-annually, as the city council shall direct.

Bond issue authorized.

Amount.

Rate of interest.

SEC. 2. Such bonds shall not be issued until a majority of the qualified electors of the city of Manistique, present and voting on the said proposition, at the annual city election in the year nineteen hundred five, or at a special election called for that purpose, shall have voted in favor thereof. Notice of the submission of said proposition at said election shall be given by the city clerk of said city by publishing the same in two or more of the weekly papers published and circulated in said city, and by posting a notice thereof in at least three public places in each ward of said city, which notice shall be given at least eight days before the election, and shall state the purpose for which said money is to be used and the amount required for said purpose.

Question to be submitted to electors.

Notice of, how given

When given.

SEC. 3. The vote upon such proposition shall be by ballot, which may be in the following form:

Form of ballot.

Loan for water works and sewers, [] Yes.

Loan for water works and sewers, [] No.

(Instructions) If you wish to vote for the loan place a cross on the square before the word Yes. If you wish to vote against the loan, place a cross in the square before the word No.

Shall the city of Manistique raise by loan, the sum of one hundred twenty-five thousand dollars for the construction of a system of water works and sewers?

For the loan [] Yes.

For the loan [] No.

Such ballots shall be cast, canvassed, and the result thereof certified to in the manner provided by law respecting ballots cast for officers of said city. No action of the city council shall be required to authorize the submission of said proposition at the annual election to be held in said city for the

How cast and canvassed.

Duty of city clerk.

year nineteen hundred five, and it is hereby made the duty of the city clerk of the said city to cause notice of the submission of said proposition at said annual election to be given in the manner provided by this act.

Bonds, how
signed, &c.
negotiated,
etc.

SEC. 4. In case the said loan shall be authorized by a majority of the qualified electors of the said city voting thereon, at any such election, said bonds may be issued payable at such times and places and in such amounts as the city council shall, by resolution, determine, and shall be signed by the mayor and countersigned by the clerk of the said city and negotiated under the direction of the city council, and the proceeds thereof used for the purposes herein mentioned.

Tax for,
how raised.

SEC. 5. The city of Manistique, by its city council, shall have power, and it shall be its duty, to raise by tax upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due, and may provide a sinking fund therefor.

This act is ordered to take immediate effect.

Approved March 20, 1905.

[No. 403.]

AN ACT to amend sections four, five, twenty-one, thirty-six, thirty-seven, thirty-nine, forty-one, forty-two, forty-three, forty-five, forty-six, fifty-seven and ninety-two of act number two hundred nineteen of the session laws of eighteen hundred seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-first, eighteen hundred seventy-three, as amended.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections four, five, twenty-one, thirty-six, thirty-seven, thirty-nine, forty-one, forty-two, forty-three, forty-five, forty-six, fifty-seven and ninety-two of act number two hundred nineteen of the session laws of eighteen hundred seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-first, eighteen hundred seventy-three, as amended are hereby amended to read as follows:

Officers
elective.

SEC. 4. The following officers shall be elected by the electors of said city: One mayor, one treasurer, four supervisors, one from each ward of said city, who shall be ex officio assessors, one clerk, two justices of the peace, one member board of public works, four constables and eight aldermen, two from each ward. The following officers may be

Appointive.

appointed by the mayor subject to confirmation by the common council: One marshal, one city attorney, one surveyor, one health physician, chief of the fire department, pound master, such police force as may be necessary, and such other officers, assistants and agents as may be authorized by prior resolution of the common council.

SEC. 5. The mayor, clerk, treasurer, supervisors and constables shall hold office for the period of one year, and the aldermen for the period of two years from the second Monday in April next after their election, member of board of public works for a period of three years, and the justices of the peace, one for the period of two years and one for the period of four years from the fourth day of July next after their election, and thereafter each justice shall be elected for a period of four years: Provided, That the present justices of the peace now holding office in Ionia city shall continue to hold their office for the unexpired portion of the terms for which they have been elected.

Terms of office.

Proviso, as to justices.

SEC. 21. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidence of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the clerk and countersigned by the mayor, which shall specify the purpose for

Treasurer to have custody of money, bonds, etc.

How money paid out.

which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund endorsed thereon by the clerk. The treasurer may also, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the treasurer, subject to the control of the treasurer; and the treasurer and his bondsmen shall be liable for the acts and defaults of such deputy. Such deputy shall be paid for his services by the treasurer unless otherwise provided by the council, and such deputy may be removed at the will of the treasurer. The city treasurer shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe, and as provided by this act. The treasurer shall render to the clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month,

Keep account of taxes, etc.

Appoint deputy.

Deputy, how paid.

To be collector of state and county taxes, etc.

To make monthly report.

To make annual report.	<p>and the amount of money remaining in each fund on the day of his report, and the council may at any time when they shall deem it advisable cause such report to be verified by a personal examination of the books, warrants, vouchers and city moneys in the possession of the treasurer. He shall also exhibit to the council annually on the first Monday in April, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the clerk and shall be published in one or more of the newspapers of the city. The said treasurer shall take receipts and vouchers for all moneys paid from the treasury, showing the amount and fund from which payment was made, and he shall exhibit to the council such receipts or vouchers on the first Monday of April in each year, or as often as the council shall require, as provided in the next preceding section. The city treasurer shall keep all moneys in his hands belonging to the city and to the public library, separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or of the library funds in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the council, and the council is hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.</p>
Where filed.	
Exhibit receipts and vouchers.	
<p>To keep moneys separate from private account. Not to appropriate moneys for private use. Penalty for violation.</p>	
Four supervisors, city to elect.	<p>SEC. 36. Said city shall be entitled to four supervisors, one to be elected in the first ward, one in the second ward, one in the third ward and one in the fourth ward, who shall be assessors for their respective wards. The supervisors of the city are hereby authorized and required to perform the same duty in their respective wards that supervisors of townships, under the general laws of the State, are required to perform in relation to the assessing of property and levying of taxes for State, county, and school purposes. They shall represent their several wards on the board of supervisors of the county of Ionia, and shall be entitled to all the rights, privileges and powers of the members of said board of supervisors. They shall also have charge of and care for the poor in their respective wards, and for such services in caring for the poor shall receive such sums as the common council shall deem just: Provided, however, That the compensation for caring for the poor shall not exceed the sum of forty dollars in each ward; and for taking the assessments of their respective wards and preparing tax roll they shall receive the sum of two dollars per day for the time actually spent, and each shall only be paid upon presentation of an itemized</p>
Duties of.	
Proviso as to compensation.	

statement showing number of days actually spent in the performance of their respective duties..

SEC. 37. All State, county and school taxes in said city shall be levied and collected as near as may be in the same manner as provided for the assessment and collection of taxes by township officers, and all proceedings for the return, sale and redemption of real estate for non-payment of such taxes shall be in conformity with the proceedings for the return, sale and redemption of real estate as is required by the laws of this State. All city taxes which shall be raised by general tax shall be ordered to be levied and spread by the common council of said city by resolution, and shall be levied and collected as follows: As near as may be in the same manner as provided by law for the assessment and collection of taxes by township officers, and all proceedings for the return, sale and redemption of real estate for the non-payment of such taxes shall be in conformity with the proceedings for the return, sale and redemption of real estate as required by the laws of this State. And all city taxes so levied shall be and remain a lien upon both real and personal property after the first day of July of the same year in which the same are levied until such taxes shall have been paid. Each supervisor shall on or before the first day of July of each and every year after the passage of this act, deliver to the said treasurer the tax roll for his ward with the city taxes for the year annexed to each valuation; to such tax roll or tax list the supervisor shall annex a warrant under his hand directing or commanding him to collect from the several persons named in said roll the sum mentioned in said roll opposite their respective names, deducting one per cent of the amount collected by him as his fees for collecting, and such warrant shall authorize and empower the treasurer in case any person named in said roll shall neglect or refuse to pay his taxes on or before the first day of August, then after said first day of August to levy the same by distress, and the sale of the goods and chattels of such person. The treasurer shall immediately after the receipt of the tax roll, post up in the postoffice of said city, conspicuous handbills giving notice when and where the tax roll can be seen and taxes paid, and a receipt thereof obtained, without expense, at any time between nine o'clock in the forenoon and twelve o'clock noon, and from one until four o'clock, in the afternoon between such first day of July and first day of August, Sundays and fourth of July excepted, and the tax rolls shall be kept at the place or places mentioned in said notices from nine o'clock in the forenoon until four o'clock in the afternoon of each day during said time, Sundays and fourth of July excepted as aforesaid, so that any person can pay the taxes assessed against him or them and obtain the treasurer's receipt therefor; and on all taxes so paid prior to the first day of August, no fee or percentage beside

County and school taxes, how levied, etc.

City taxes.

To be a lien upon property

When tax roll of city delivered to treasurer.

Warrant annexed, what to state.

Treasurer to give notice of time for collection.

When no fee charged.

Five per cent
added for
collection.

When un-
paid city
taxes, re-
turned to
county
treasurer.

General laws
to govern
sale of,
property, etc.

Council may
levy taxes for
expenses.

Proviso as to
tax levy for
poor fund.

May provide
payment of
bonds.

Not to pledge
credit of city,
etc.

the amount of tax so specified in such roll or rolls shall be charged or payable. Upon all taxes remaining unpaid on said tax rolls on the first day of August, it shall be lawful for said treasurer to add and he shall add to each tax so remaining unpaid on his rolls on the first day of August, five per cent, and said treasurer shall collect such percentage in the same manner as he is authorized to collect such tax, and for the purpose of collecting such taxes such additional percentage shall be deemed a penalty for the non-payment of taxes within the time above specified, and said penalty shall be retained by the treasurer as a part of the general taxes so assessed and collected and same shall belong to the city. The treasurer of said city shall and may proceed to collect the taxes of said city at the time herein specified, and shall return to the county treasurer at the time of the returning of the State and county taxes for the then ensuing year, a statement of the city taxes remaining unpaid and due in the manner provided by law for township treasurers. And all the provisions of the laws of this State relating to the seizure and sale of personal property for the payment of taxes, or relating to the returning by the township treasurer to the county treasurer of the statement of the taxes remaining unpaid, and due, are hereby made applicable to the treasurer of said city, and he shall be governed thereby. The supervisors of the several wards shall carry out the provisions of this act relating to them.

SEC. 39. The common council shall have full power and authority to levy and collect from year to year such amount of taxes upon all real and personal property not exempt from taxation within the limits of said city as they may deem necessary to defray the expenses thereof, not to exceed one per cent on the equalized valuation in any one year for all purposes exclusive of costs of collection and exclusive of the tax for the support of the poor and library tax: Provided, That the common council may order to be levied and assessed as a poor fund not to exceed two mills on each dollar of the entire valuation of all of the property within said city as shown by the said assessment rolls as equalized, and that the same be collected in the same manner and at the same time as other city taxes hereinbefore provided, which said amount shall be the full sum said city is authorized to levy and collect for any purpose, except the library tax and except as hereinafter in this section provided, as follows:

First. The common council may provide for the payment of all bonds that have been heretofore issued by the city, as they mature, either by the raising of tax or refunding of the same, but the rate of interest, if said bonds are refunded, shall not exceed four per cent;

Second. The common council shall have no power to incur any indebtedness, or pledge the credit of said city for any amount except as in this section provided, in excess of the

taxes for the current year: Provided, Said council may in any year previous to the first day of July anticipate the taxes of that year by borrowing not to exceed the sum of five thousand dollars for the purpose of paying the legitimate current expenses of the city, which loan shall be paid out of the money collected and assessed for the same year, and which said loan shall be paid on or before the fifteenth day of August of the same year that the same was made, and shall not after the said fifteenth day of August bear any interest: Provided, however, Should any greater amount be required in any year for the purpose of erecting public buildings or the purchase of ground therefor, or for other public improvements and purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this section, such amount may be raised by taxes or loan, or partly by tax and partly by loan, if authorized by two-thirds of the electors voting upon the question at an annual city election or special election called for such purpose. The amount that may be voted or raised in any year for such purpose and under this subdivision shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls made therein;

Proviso, as to loan for current expenses.

Proviso, as to tax and loan for public improvements.

Amount limited.

Third. The revenues raised by general tax by virtue of this section upon all the property in the city shall be divided into so many of the following general funds as are necessary:

Receipts from taxes, how divided.

1st. Salary fund,—to pay the salaries of the various city officials;

Salaries.

2nd. Fire department fund,—to defray the expenses of maintaining the fire department of the city;

Fire department.

3rd. Lighting fund,—for the construction, purchase or maintenance of electric or other lights of the city;

Lighting.

4th. Street and sidewalk fund,—to defray the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds, and for grading, graveling, improving, repairing and cleaning streets, alleys and public grounds in the city, and for the construction and repair of sidewalks and crosswalks and for the care thereof;

Street, sidewalks.

5th. Poor fund,—to bear the necessary expenses of the care of the poor of said city; which money so raised for the poor fund shall not be used for any other purpose whatever or transferred to any other fund;

Poor.

6th. Water fund,—for maintaining and extending a system of water works in said city, for constructing reservoirs, cisterns or wells, and the providing of a supply of water and the furnishing thereof to the inhabitants of the city;

Water.

7th. Paving fund,—for the grading and paving of streets of the said city which shall include the preparations of plans and specifications for the same;

Paving.

Interest, bonds. 8th. Interest and bond fund,—for paying the interest on the bonded indebtedness of said city and the bonds of said city as they mature;

Bridges. 9th. Bridge fund,—for building, repairing and maintaining bridges;

Printing. 10th. Printing fund,—for the payment of printing of all proceedings and resolutions of the common council and other necessary city printing;

Cemetery. 11th. Cemetery fund,—for the maintenance of the cemeteries;

Contingent. 12th. Contingent fund,—to defray the contingent and other expenses of the city; for the payment of which no other fund or provision has been made;

Other funds. 13th. Such other funds as the council may from time to time constitute.

Tax roll of state and county, when delivered, arrangement of. SEC. 41. Each supervisor shall, on or before the first Monday in December, deliver to the treasurer the tax roll for his wards, with the taxes for the year annexed to each valuation and carried out in the last column thereof, the school taxes in one column, the county taxes in another, and the State taxes in another column; and if other taxes are at any time required by law, they shall be placed each in another column; and the warrant for the collection shall specify particularly the several amounts and purposes for which said taxes are paid into the county treasury.

Warrant attached, what to state. SEC. 42. To such tax roll or tax list the supervisor shall annex a warrant under his hand, directed to the said treasurer, commanding him to collect from the several persons named in said rolls the several sums mentioned in the last column of such roll, opposite their respective names, and to pay over to the county treasurer the amount therein specified for State and county purposes, after deducting one per cent of the amount collected by him as his fees for collecting, on or before the first day of February then next ensuing, and each warrant shall authorize the treasurer, in case any person named in such roll shall neglect or refuse to pay his tax, with the fees for collecting to be added, to levy the same by distress and the sale of the goods and chattels of such person.

Treasurer shall give notice of collection. SEC. 43. The treasurer shall, immediately after the receipt of the tax roll, post up in the postoffice in said city, conspicuous hand bills giving notice when the tax roll can be seen and taxes paid, and a receipt therefor obtained without expense, at any time between nine o'clock in the forenoon and twelve o'clock noon, and from one until four o'clock in the afternoon, during the month of December, Sundays and Christmas day excepted, and the tax roll shall be kept at the place or places mentioned in such hand bills, from nine o'clock in the forenoon until four o'clock in the afternoon of each day during the month of December, Sundays and Christmas day excepted; so that any persons can pay the tax assessed

against him or them and obtain the treasurer's receipt therefor; and on all taxes so paid prior to the tenth day of January, one per cent shall be added as a collection fee to be retained by the treasurer as his fees for collecting.

Collection fee.

SEC. 45. The treasurer in said city shall and may proceed to collect all State, county and school taxes in said city, and to pay over the money to the county treasurer and to return to the county treasurer a statement of the county taxes remaining unpaid and due in the manner provided by law for township treasurers; and all the provisions of the laws of this State relating to the collection of State, county and school taxes by township treasurers, and the returning of the same when unpaid to the county treasurer are hereby made applicable to the treasurer or treasurers of said city.

General law to govern collection.

SEC. 46. The treasurer shall, on or before the first day of March account for and pay over to the county treasurer the full amount of all the taxes contained in his tax roll, deducting the amount of taxes uncollected and returned to said county treasurer by reason of the failure of said treasurer to collect the same.

When to pay over to county treasurer.

SEC. 57. The common council in addition to the powers and duties specially conferred on them in this act, shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to said city, and make such orders, by-laws and ordinances relating to the same as they shall deem proper and necessary and further, that they shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable within said city for the following purposes:

Council shall have control of finances, etc.

Make by-laws, ordinances.

First. To prohibit, restrain, license or regulate the sale or exposing for sale by any person or persons of any goods, wares or merchandise on the public streets, lanes or alleys of said city and to order and direct the means, method or devise by which to attract attention to such sales when by said common council authorized; also to regulate sales of goods and merchandise by auction, and to determine the amount to be paid by auctioneers for license to sell any such goods, wares or merchandise within said city; also to license and regulate itinerant merchants, jobbers and traders, and merchants, jobbers and traders who, for a short time only, engage in the sale of goods, and to compel such merchants, jobbers and traders to execute a bond to the city of Ionia with such conditions in such sums as the common council may prescribe;

Relative to sale of merchandise, etc.

Auctioneers.

Itinerant merchants.

Second. To prohibit, restrain, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, menageries, shows or other public performances and exhibitions for money; exhibitions of agricultural or educational societies or associations,

Sports, public performances.

and lectures on historic, literary, moral or scientific subjects excepted;

Nuisances,
unwholesome
places.

Third. To prevent, prohibit, abate, suppress or remove nuisances of every kind and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, slaughter-house, glue, starch or soap factory, tannery, stable, privy, hog-pen, sewer, or any other offensive or unwholesome house or place to cleanse, remove or abate the same, from time to time, as often as they may deem necessary for the health, comfort and convenience, or safety of the inhabitants of said city, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same;

Combustibles.

Fireworks.

Bonfires.

Proviso.

Fourth. To direct the location of all markets and buildings for storing gunpowder or other combustible or explosive substances or dangerous articles; to regulate the buying, keeping, carrying, selling, and using gunpowder, fire-crackers or fire-works manufactured or prepared therefrom, and to prevent, prohibit and suppress the exhibition of fire works; burning or explosion of fire-crackers and the discharge of fire arms within the limits of said city; and to prevent, prohibit and restrain the making of bonfires in streets and yards, and to regulate the use and kind of lights or lamps to be used in barns, stables and all buildings and establishments usually regarded as extra hazardous in respect to fire: Provided, That no slaughter-house shall be permitted within the city limits;

Powder fac-
tories, tanner-
ies, etc.

Boiler
factories,
breweries, etc.

Fifth. To prohibit and prevent within certain limits in said city, to be determined by the common council, the location or construction of buildings for storing gunpowder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene and dangerous and explosive substances, soap, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal and all such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops, establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries and all buildings and establishments usually regarded as extra hazardous in regard to fire, shall be subject to such regulations in regard to their construction and management, as the common council may make with a view to the protection of any person or property from injury by fire or of the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances; to prevent injury or annoyances from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease;

Sixth. To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, or aqueducts, drains or ditches in any manner whatever; Sidewalks, bridges.

Seventh. To require any horse, horses or mules attached to any vehicle, or standing in any of the streets, lanes or alleys in said city, to be securely fastened, watched or held, and to prevent and punish horse-racing and immoderate driving or riding in any street or over any bridge, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said city; Horses, vehicles, fast driving.

Eighth. To prescribe, restrain and regulate the use and speed of locomotives, engines and cars on railroads within the limits of said city, and to prohibit railroad cars from standing across or otherwise obstructing the streets thereof an unreasonable time, and to require and compel railroad companies using steam locomotives, to keep flagmen or watchmen at any railroad crossings of streets that the common council may deem necessary, and to give warning of the approach and passage of trains thereat; Locomotives, etc. Flagmen.

Ninth. To prohibit or regulate bathing in any public water, or in any open or conspicuous place, or any indecent exposure of the person in the city, and to provide for the cleansing of any and all streams in said city; Bathing.

Tenth. To restrain and punish drunkards, vagrants, mendicants, street beggars and persons soliciting alms; Drunkards, beggars.

Eleventh. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding; Pounds.

Twelfth. To prevent and regulate the running at large of dogs, and to impose taxes on the owners of dogs; Dogs.

Thirteenth. To prohibit any person from bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive substances, and to require the removal or destruction thereof; if any person shall have on his premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof as a public nuisance by some officer of the city and to punish the person so occasioning such nuisances; Offensive substances.

Fourteenth. To compel any persons to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood or obstructions; Cleaning of walks.

Fifteenth. To regulate the ringing of bells and crying of goods and other commodities for sale at auction or otherwise; and to prevent disturbing noises in the streets; Disturbing noises.

Sixteenth. To appoint and prescribe the powers and duties of watchmen, and fines and penalties for their delinquencies; Watchmen.

Building
line.

Seventeenth. To regulate and establish the line upon which buildings may be erected upon any street, lane or alley, in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision not to exceed five hundred dollars;

Prohibit
erection of
wooden
buildings.

Eighteenth. To prohibit and prevent the location or construction of any wooden or frame house, shop, or other building, and to prohibit and prevent the using or employing any wooden or combustible material for the roofing of any building on such streets, alleys, and places, or within such limits in said city as the common council may from time to time prescribe, to prohibit and prevent the moving of wooden or frame buildings from any part of said city to any lot on such streets, alleys and places within said limits and the rebuilding and repairing of wooden buildings on said streets, alleys, and places within said limits when damaged by fire or otherwise;

Moving frame
buildings, etc.

Burial
grounds.

Nineteenth. To provide for obtaining, holding, regulating and managing burial grounds, within or without the city, when established for the benefit thereof; to regulate the burial of the dead and to compel the keeping and return of bills of mortality;

Markets.

Twentieth. To establish, order and regulate the markets, to regulate the vending of wood, hay, meat, vegetables, fruits, fish and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license, to prohibit and prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food or provisions, and to punish all persons who shall knowingly sell the same or offer to keep the same for sale: Provided, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats, by the quarter, within the limits of the city;

Proviso.

Public
reservoirs.

Twenty-first. To establish, regulate and preserve public reservoirs, wells, penstocks and pumps, and to prevent the waste of water; to authorize and empower, under such regulations, and upon such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city for the purpose of supplying the inhabitants of said city with water;

Water pipes.

Sextons,
hack drivers,
scavengers,
etc.

Twenty-second. To prescribe rules to govern sextons and undertakers for burying the dead, cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensations; to regulate and prevent auctions, peddling, hawking, pawn-brokerage, or using for hire, carts, drays, hacks or any kind of carriage or vehicle in the streets; to regulate and prevent runners, stage drivers and others soliciting guests for hotels, and passengers and others to

Hawkers,
peddlers.

Solicitors for
hotels, rail-
roads, etc.

ride or travel upon any railroad, street car, boat, omnibus, stage or any other kind of carriage or vehicle or to go any other where;

Twenty-third. To regulate the lighting of the streets and alleys and the protection and safety of public lamps; Lighting.

Twenty-fourth. To provide for and regulate the numbering of the buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same; Numbering of buildings.

Twenty-fifth. To prescribe the duties of all officers appointed by the common council and their compensation, and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by any and all officers of the city, for the prompt, proper and faithful discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law; Prescribe duties, compensation, of appointive officers. Bonds and sureties.

Twenty-sixth. To preserve the salubrity of the streams within the limits of the city; to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient: Provided, That the expense of such filling shall not in any one year exceed the sum of fifty dollars; Preserve salubrity of streams. Provide.

Twenty-seventh. To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city; Stands for carriages, etc., rates of fare.

Twenty-eighth. To provide for taking a census of the inhabitants of said city whenever they may see fit and to direct and regulate the same; Census.

Twenty-ninth. To establish a grade for streets and sidewalks and to cause the sidewalks to be constructed in accordance with the same; and the common council shall have power by resolution or ordinance to plank and construct sidewalks within said city, and to cause the expense of the same to be assessed against the lots, tracts and premises in front of or adjoining which such sidewalks shall be so built, planked or constructed; Grade of streets and walks. Construct sidewalks.

Thirtieth. To prescribe the duties of sealer of weights and measures, and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said city, except as herein otherwise provided; Weights and measures.

Thirty-first. To prohibit, restrain or prevent persons from gaming for money with cards, dice, billiards, nine or ten pin alleys, table, ball alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever in any grocery, store, shop or any other place in said city; to punish the person keeping the building, instruments or means for such gaming, and to compel the destruction of the same; Gaming, billiards.

License
solicitors for
hotels, rail-
roads.
Draymen,
cabs, etc.

Thirty-second. To license and regulate solicitors of passengers or baggage for the benefit of any hotel, tavern, public house, boat or railroad; also dray-men, common truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire, and to fix and regulate the amount and rates of their compensation;

To license
hawkers,
pawnbrokers,
etc.

Thirty-third. To license and regulate auctioneers, hawkers, peddlers and pawn-brokers; and regulate auctions, hawking, peddling, and pawnbrokerage; license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever, by hand, hand-cart, show-case, show-stand, or otherwise in the public streets;

Prohibit or
license shows,
etc.

Thirty-fourth. To prohibit and prevent, or license and regulate the public exhibition, by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind;

License,
hotels, public
places.

Thirty-fifth. To license and regulate the keeping of hotels, taverns and other public houses, and other houses or places for furnishing meals, food or drink, and to regulate saloons, their location or place of business and to determine to what person or persons licenses may be granted and to fix such sum as a license fee in addition to that provided by the general laws of the State of Michigan, providing for the sale of spirituous, malt or intoxicating liquors: Provided, Such license fee as herein authorized shall not exceed the sum of five hundred dollars;

Proviso.

Tax billiard
tables, pin
alleys.

Thirty-sixth. To tax and regulate keeping of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming;

Public parks.

Thirty-seventh. To provide for public parks and squares, make, grade, improve and adorn the same, and all grounds in said city belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof;

Dispose of
dirt, filth, etc.

Thirty-eighth. To sell or otherwise provide for disposing of all dirt, filth, manure and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same;

Maintain,
repair high-
ways, bridges,
etc.

Thirty-ninth. To establish, construct, maintain, repair, enlarge and discontinue within the highways, streets, avenues, lanes, alleys and public places of said city such bridges, culverts, sewers, drains and lateral drains and sewers, and to

Sewers.

establish such a system of sewerage for said city as the common council may see fit, with a view to the proper drainage

and sewerage of said city; to compel the owners or occupants of all occupied lots, premises and subdivisions thereof in sewer districts numbers one and two as now established within said city to construct private drains and sewers therefrom to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimension and under such regulations as the common council shall prescribe;

Compel owners to construct sewers in certain districts.

Fortieth. To assess, levy and collect an annual assessment or tax on the real and personal property of said city, for the purpose of cleansing and keeping in repair the public sewers of said city;

To assess sewer tax.

Forty-first. To establish a fire department, to provide for the prevention and extinguishment of fires, and to establish, organize and regulate fire companies in the manner and under such regulations as the common council may prescribe;

Establish fire department.

Forty-second. To regulate the construction of fences on the lines of streets and alleys and of partition and parapet walls, the walls of buildings, the thickness of walls, to regulate the construction of chimneys, hearths, fire places, fire arches, ovens, and the putting up of stoves, stove pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and fix the fees therefor; to compel and regulate the construction of ash houses or deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof and the stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle and suspicious persons; and to compel all officers of the city, and other persons, to aid in the extinguishing of fires and in the preservation of property, exposed to danger therefrom;

Fences, walls, chimneys, etc.

Ash houses.

Appoint building inspectors.

Forty-third. To authorize the granting, issuing and revoking of licenses in all cases where licenses may be granted and issued under this act and ordinances of the common council; to direct the manner of issuing and registering the same and by what officer they shall be issued or revoked and to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year and the common council may prescribe by by-law, ordinance or resolution that before the issuing thereof the person receiving the same shall execute a bond to the corporation in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the common council, and otherwise condi-

Granting and revoking of licenses.

Term of licenses, conditions of bonds.

tioned as the common council may prescribe. The officer authorized to issue said license may inquire into the sufficiency of the sureties in such bond by an examination under oath as to their property and responsibility, which oath may be administered by such officer.

Board of
public works,
authority of.

SEC. 92. The board of public works shall have the management and control of the water works of the city; they shall have authority to and may lay down, repair and maintain and do all things necessary to the laying down, repairing and maintaining of water works, water mains and pipes beneath, and through and along the streets, lanes and alleys, and into the public places of said city, and for the purpose of supplying water for public and private use; they shall also have the superintendence and management in the erection, repairing and maintaining of all the public buildings of said city, and in the construction, maintaining and repairing of all sewers that may be required in said city: Provided, In case necessary repairs of said water works, mains, pipes, building and sewers, they shall cause the same to be made as soon as may be when required at the expense of said city, rendering to the common council the actual cost of the same, which shall be paid out of the funds of the city upon order of the common council. They shall also have authority to, and may appoint such officers and agents under them as may be necessary for the management of said works and oversight of said sewers, and public buildings, and define and fix the duties and compensation of such officers, subject, however, to the approval of the common council as to the compensation they shall receive.

Proviso as to
repair of
waterworks,
etc.

May appoint
under officers.

This act is ordered to take immediate effect.

Approved March 21, 1905.

[No. 404.]

AN ACT to authorize the city of Detroit to borrow money and to issue bonds therefor, for the purpose of erecting and equipping an hospital for the care of contagious diseases in said city of Detroit.

The People of the State of Michigan enact:

Bond issue
authorized.

Purpose of.

SECTION 1. The common council of the city of Detroit, is hereby authorized to borrow a sum of money not exceeding one hundred thousand dollars on the faith and credit of said city, and upon the best terms that can be made, and to issue bonds of said city not exceeding that sum, for the purpose of erecting and equipping an hospital for the care of contagious

diseases in said city of Detroit. Said bonds shall be issued and negotiated in the manner prescribed by the city charter relative to the sale, issue, record and redemption of the bonds of said city, and the bonds, so issued shall be denominated "contagious disease hospital bonds of the city of Detroit."

Bonds, how
negotiated.

SEC. 2. Said hospital, when so erected and equipped, shall be under the general administration of the board of health of said city of Detroit.

Hospital,
who to
manage.

SEC. 3. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Repealing
section.

This act is ordered to take immediate effect.

Approved March 21, 1905.

[No. 405.]

AN ACT to legalize the action of the electors of the city of Harrison in voting to raise the sum of five thousand dollars by loan for public improvements in the city of Harrison, in repairing streets and highways, repairing and building sidewalks, and in improving the city park.

The People of the State of Michigan enact:

SECTION 1. That the action of the electors of the city of Harrison in determining by ballot at a special election held in said city on the eleventh day of August, nineteen hundred two to raise the sum of five thousand dollars by loan for the purpose of repairing streets and highways, repairing and building sidewalks, and improving the city park, is hereby legalized, and that the action of said electors and the common council of the city of Harrison are hereby declared to be legal and valid, and any loan obtained by said city of Harrison of said five thousand dollars is hereby declared to be legal.

Action of
electors
legalized.

SEC. 2. That the common council of the city of Harrison are hereby authorized at any time after this act shall take effect, to direct the proper officers of said city to execute the bonds of said city in the sum of five thousand dollars in pursuance of said election, and as provided in the resolution submitting said matter to the electors of said city of Harrison, and to obtain the loan of said five thousand dollars upon said bonds, and the said bonds when issued and negotiated are hereby declared to be legal and valid bonds of said city of Harrison.

Common
council
authorized to
direct bond
issue.

This act is ordered to take immediate effect.

Approved March 21, 1905.

[No. 406.]

AN ACT to provide for two voting precincts in the township of Maple Forest, in the county of Crawford.

The People of the State of Michigan enact:

Two voting
precincts
provided.
Number two.

Number one.

Polling places.
Precinct one.

Two.

Boards of
election and
registration.
Precinct one.

Precinct two.

Who to
furnish
blanks.

General laws
to govern.

SECTION 1. The township of Maple Forest, in the county of Crawford, shall be divided into two voting precincts. All that portion of said township described as townships twenty-seven north, of range one west, twenty-eight north, of range one west, and the east half of township twenty-eight north, of range two west, shall constitute voting precinct number two. All that portion of said township described as west half of township twenty-eight north, of range two west, and township twenty-eight north, of range three west, shall constitute voting precinct number one.

SEC. 2. The polling place for the electors resident and being in the territory above described as precinct number one shall be at the town hall in township twenty-eight north, of range three west; and the polling place of the electors resident and being in the territory above described as precinct number two shall be at such place as the township board shall direct in the village of Lovell, in township twenty-eight north, of range one west.

SEC. 3. The present officers of the township of Maple Forest, who are by law constituted the boards of registration and election, shall be the board of registration and election for precinct number one; and the boards of election and registration for precinct number two shall be appointed by the said township board.

SEC. 4. It shall be the duty of the township board of the township of Maple Forest to supply the necessary blanks for registration and election and the necessary blanks for the return thereof to be used in such precincts.

SEC. 5. The elections in the precincts herein provided for shall be conducted in accordance with the provisions of the general laws for the conduct of elections and the canvass and return of yotes in townships having more than one precinct.

This act is ordered to take immediate effect.

Approved March 22, 1905.

[No. 407.]

AN ACT to amend section twenty-five of chapter six, and section seventeen of chapter ten, being sections sixty-four and one hundred twenty-two of act number two hundred fifty-one of the local acts of Michigan for the year eighteen hundred ninety-one, entitled "An act to revise and amend the charter of the city of Ishpeming," approved March twenty-seven, eighteen hundred ninety-one, and the acts amendatory thereof.

The People of the State of Michigan enact:

SECTION 1. Section twenty-five of chapter six and section seventeen of chapter ten, being sections sixty-four and one hundred twenty-two of act number two hundred fifty-one of the local acts of eighteen hundred ninety-one, of an act entitled "An act to revise and amend the charter of the city of Ishpeming," approved March twenty-seven, eighteen hundred ninety-one, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

CHAPTER VI.

POWERS AND DUTIES OF THE COMMON COUNCIL.

(64.) SEC. 25. The common council shall keep and maintain a public library for the use of the public, and shall raise by taxation each year, to maintain and support the same, a sum of money equal to one mill on each dollar of the assessed valuation of said city, as determined by the assessment roll for such year. The amount required for such purpose shall be included by the common council in the annual appropriation bill hereinafter provided for, and shall be levied and collected annually by tax on the real and personal property of said city, which tax shall be spread upon the assessment roll in a separate column designated as "library tax," and the money so raised shall be appropriated for the sole use and benefit of said library. Said library shall be under the control and management of the library board, consisting of three citizens who are not members of the common council. During the month of April, nineteen hundred one, or as soon thereafter as practicable, the common council shall appoint three qualified persons to be members of the said board, one of whom shall hold his office for one year, one for two years and the other for three years, from the first Monday in May, nineteen hundred one. Each year thereafter, during the month of April, or as soon thereafter as practicable, the common council shall choose one member of said board to succeed the member whose term of office soonest

Sections amended.

Council shall raise certain amount to maintain public library.

How tax levied and collected.

How designated.

Library board.

When appointed.

Duty of
board.

expires, and who shall hold his office for three years from the first Monday in May of said year. Said board shall purchase all books for the library and appoint a librarian, and may employ an assistant or assistants, and a janitor, whose salaries shall be fixed annually by said board; but they shall expend no money in excess of the amount herein provided for the support of the library.

CHAPTER X.

FINANCES AND TAXATION, AND THE COLLECTION OF TAXES.

Common
council shall
constitute
board of
review.

(122.) SEC. 17. The members of the common council, or a majority of them, when assembled at the common council room for that purpose, shall constitute the board of review of assessments, and they shall, as such board, perform all the duties and possess all the powers of boards of review in townships under the general law of this State. Said board of review shall meet on the Tuesday next following the second Monday in June, and on that day, and the day following if necessary, perform such duties and exercise such powers as are vested in boards of review in townships to be exercised at their first meeting now held on the Tuesday next after the first Monday in May. Said board shall meet again on the third Monday in June and continue in session from day to day, until the review of the assessment roll is complete, and exercise the duties and powers exercised by township boards of review at their second meeting now held on the fourth Monday in May. Notice of said last mentioned meeting shall be posted in two public places in each ward of the city for six days preceding the day of meeting.

First meeting
of board.

Second
meeting.

Notice.

Repealing
clause.

SEC. 2. All acts or parts of acts, so far as they contravene the provisions hereof, are hereby repealed.

This act is ordered to take immediate effect.

Approved March 8, 1905.

[No. 408.]

AN ACT to amend section one of act number four hundred forty-two of the local acts of nineteen hundred three, being "An act to amend section one of chapter seventeen of act number two hundred fifty-one of the local acts for the year eighteen hundred ninety-one, entitled 'An act to revise and amend the charter of the city of Ishpeming,' as amended by act number three hundred seventeen of the local acts of eighteen hundred ninety-three, and act number four hundred seventeen of the local acts of eighteen hundred ninety-seven, and act number three hundred fifty-six of the local acts of nineteen hundred one, approved March twenty-eight, nineteen hundred one."

The People of the State of Michigan enact:

SECTION 1. Section one of act number four hundred forty-two of the local acts of nineteen hundred three, being "An act to amend section one of chapter seventeen of act number two hundred fifty-one of the local acts for the year eighteen hundred ninety-one, entitled 'An act to revise and amend the charter of the city of Ishpeming,' as amended by act number three hundred seventeen of the local acts of eighteen hundred ninety-three, and act number four hundred seventeen of the local acts of eighteen hundred ninety-seven, and act number three hundred fifty-six of the local acts of nineteen hundred one, approved March twenty-eight, nineteen hundred one," is hereby amended to read as follows: Section amended.

SECTION 1. Said city shall constitute one school district, the boundaries of which shall be the same as the boundaries of the city, and shall be known and called "District Number One of the City of Ishpeming;" and the annual school meeting and election of members of the school board in said district shall be held on the first Monday of September, in each year. City shall constitute one school district.
Annual meeting.

This act is ordered to take immediate effect.

Approved March 8, 1905.

[No. 409.]

AN ACT to amend act number three hundred fifty-seven of the local acts of nineteen hundred one, approved March twenty-eight, nineteen hundred one, entitled "An act to determine the territory to be embraced in, and to reorganize the school districts of the township of Marion in Osceola county," by adding a new section thereto to stand as section fifteen.

The People of the State of Michigan enact:

Act
amended.

SECTION 1. Act number three hundred fifty-seven of the local acts of nineteen hundred one, approved March twenty-eight, nineteen hundred one, entitled "An act to determine the territory to be embraced in, and to reorganize the school districts of the township of Marion in Osceola county," is hereby amended by adding a new section thereto to stand as section number fifteen, and to read as follows:

School
inspectors,
may organize
new districts,
change
boundaries,
etc.

SEC. 15. The board of school inspectors shall have power to organize new districts from the territory embraced in this township, and make such changes in the boundaries of any school district, as may be necessary from time to time, and have like powers as are vested in the boards of school inspectors of townships by the general school laws of the State of Michigan.

This act is ordered to take immediate effect.

Approved March 22, 1905.

[No. 410.]

AN ACT to legalize and make valid certain school district bonds issued by school district number four, Ecorse township, Wayne county, on the twentieth day of October, A. D. nineteen hundred four.

The People of the State of Michigan enact:

Bond issue
legalized.

SECTION 1. The action of school district number four, Ecorse township, Wayne county and the action of the district board thereof in issuing forty-two hundred dollars of the bonds of said school district to Matthew Finn of the city of Detroit on the twentieth day of October, A. D. nineteen hundred four, for the purpose of completing the Dunn school-house in said district, is hereby ratified, confirmed and legalized with like force and effect as if said school district and the district board thereof had, at the time of the issue of

said bonds, due and full legal authority to issue the same, said bonds having been irregularly issued under the provisions of act number three hundred thirteen of the local acts of nineteen hundred three.

This act is ordered to take immediate effect.

Approved March 23, 1905.

[No. 411.]

AN ACT to legalize and make valid certain school district refunding bonds issued by school district number four, Ecorse township, Wayne county, on the twentieth day of October A. D. nineteen hundred four.

The People of the State of Michigan enact:

SECTION 1. The action of school district number four, Ecorse township, Wayne county and the action of the district board thereof in issuing sixty-four hundred dollars of refunding bonds of said school district to Matthew Finn of the city of Detroit on the twentieth day of October A. D. nineteen hundred four, for the purpose of refunding a like amount of outstanding valid bonds of said school district, is hereby ratified, confirmed and legalized with like force and effect as if said school district and the district board thereof had, at the time of the issue of said bonds, due and full legal authority to issue the same, said bonds having been irregularly issued under the provisions of chapter one hundred sixteen of the compiled laws of the State of Michigan of eighteen hundred ninety-seven and acts amendatory thereof. Bond issue legalized.

This act is ordered to take immediate effect.

Approved March 23, 1905.

[No. 412.]

AN ACT to repeal act number four hundred fifteen of the local acts of eighteen hundred ninety-five, entitled "An act to organize the township of Union, in the county of Grand Traverse, into a single school district, under the unit system."

The People of the State of Michigan enact:

SECTION 1. Act number four hundred fifteen of the local acts of eighteen hundred ninety-five, entitled "An act to organize the township of Union, in the county of Grand Trav- Act repealed.

erse, into a single school district, under the unit system," is hereby repealed; and the territory comprising said school district shall be reorganized into primary school districts under the provisions of the general school laws.

This act is ordered to take immediate effect.

Approved March 23, 1905.

[No. 413.]

AN ACT to authorize the village of Marion, in the county of Osceola, to borrow money and issue bonds therefor to the amount of fifteen thousand dollars, for the purpose of installing in said village a system of water works and an electric lighting plant for the use of said village.

The People of the State of Michigan enact:

Bond issue
authorized.

Amount.

Form of,
who to
determine.

Moneys,
how used.

First.

Second.

Payment of,
how pro-
vided for.

Proviso, as to
submitting
question to
electors.

SECTION 1. The village council of the village of Marion, in the county of Osceola and the State of Michigan, is hereby authorized and empowered to borrow on the faith and credit of said village, a sum not to exceed the sum of fifteen thousand dollars, for a term of not less than ten nor more than thirty years, at a rate of interest not exceeding six per cent per annum, payable annually; and to execute and issue the coupon bonds of said village therefor in such form as the said council may, by a two-thirds vote of all the members elect, determine; and to provide for the payment of the same, which bonds shall in no case be disposed of at less than their par value and shall be payable at such place or places as said council shall direct.

SEC. 2. All moneys borrowed under the provisions of this act shall be used:

First, For constructing and establishing, for the use of said village, a system of water works, according to plans and subject to such rules and regulations as the council shall prescribe;

Second, For constructing and establishing, for the use of said village, an electric light plant and system of electric lighting, according to such plans and subject to such rules and regulations as the council shall prescribe.

SEC. 3. It shall be the duty of said council to provide by tax upon the taxable property of said village, or from any fund it may have and not otherwise appropriated, for the payment of said sum of fifteen thousand dollars and interest upon all bonds issued under authority of this act, as they may become due: Provided, That no bonds shall be issued or money borrowed for such purposes, until the question shall be submitted to the electors of the said village at the annual

election of said village, or at a special election to be called by the council for that purpose; and a two-thirds majority of the electors voting on such question at such election, voting therefor, shall decide.

This act is ordered to take immediate effect.

Approved March 23, 1905.

[No. 414.]

AN ACT to authorize the village of L'Anse, in the county of Baraga and State of Michigan, to borrow money for lighting, park and dock purposes of said village and making other improvements therein, and to issue bonds therefor.

The People of the State of Michigan enact:

SECTION 1. The village council of the village of L'Anse, in the county of Baraga and State of Michigan, shall be, and is hereby authorized and empowered, to borrow money on the faith and credit of said village, and to issue bonds therefor to an amount not exceeding ten thousand dollars, which shall be expended for lighting, park and dock purposes in said village, as the village council may from time to time determine, and in making other improvements therein: Bond issue authorized. Provided, That two-thirds of the qualified electors of said village who are present and voting at an annual election, or at a special election called for that purpose, shall vote therefor. Money, how used.

SEC. 2. The village council of said village of L'Anse may, from time to time, submit to the electors of said village a proposition to borrow money under the authority of this act and to issue bonds therefor as herein provided, in such amounts, not exceeding at any one time or in the aggregate the said sum of ten thousand dollars as said village council may determine, which proposition may be submitted at any annual election of said village or at a special election to be called for the purpose. Public notice that said proposition will be submitted shall be given by order of the village council, signed by the clerk of said village, by publishing the same in a newspaper in said village, once in each week before said election, and by posting a copy of such notice in at least three public places in said village, not less than two weeks before said election; and said notice shall state that the electors of said village will be called upon to vote upon said proposition, so determined by said council, and said village council is hereby authorized and empowered to call a special election at any time in its discretion for the above named purpose and in the manner aforesaid. Question to be submitted to electors. Notice of election, how given. What to contain.

When council
may submit
further propo-
sition.

SEC. 3. The said village council may submit such proposition in manner aforesaid; and in case such proposition is for a less sum than the aggregate above mentioned, the said village council may in its discretion, from time to time, submit further propositions for further loans under the authority of this act, but not to exceed in all the sum of ten thousand dollars.

Form of
ballot.

SEC. 4. The vote upon any such proposition under the provisions of this act shall be by ballot, which shall be in substantially the following form:

"Vote on proposition to borrow money for lighting and dock purposes and other improvements. Mark or stamp a cross in the appropriate square below.

[] On the proposition to borrow money—Yes.

[] On the proposition to borrow money—No."

Canvass of
votes.

And such ballot shall be deposited in a separate ballot box to be labeled "Village Loan," and such ballots shall be cast, canvassed and the result thereof certified to in the same manner as is provided by law respecting ballots cast for the officers of said village.

When bonds
may issue.

SEC. 5. If such loan shall be authorized by two-thirds of said electors voting at such election, coupon bonds may be issued in such sums and at such times, not exceeding in the aggregate the amount thereinbefore limited, and payable at the time or times not exceeding thirty years, with such rates of interest not exceeding five per cent per annum, as the said village council shall direct, and shall be signed by the president, and countersigned by the clerk of said village and negotiated by or under the direction of the said village council: Provided, That said bonds shall not be sold at less than par, and the money arising therefrom shall be used for the purposes aforesaid. And the said village council is hereby empowered to raise such sum or sums of money from time to time as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due, by taxes upon the taxable property of said village, which taxes so to be assessed, shall be in addition to all other taxes which said village is now authorized to raise, and shall be denominated in the tax assessment roll and proceedings in regard thereto as "special bond tax."

How signed,
negotiated,
etc.

Proviso.

Tax to be
raised for.

This act is ordered to take immediate effect.

Approved March 23, 1905.

[No. 415.]

AN ACT to detach from and place without the corporate limits of the village of Colon, in the county of St. Joseph and State of Michigan, the east half of section ten and the northeast quarter of section fifteen, in town six south, of range nine west; and to sever and exclude said lands and the inhabitants thereof, from the jurisdiction of said village.

The People of the State of Michigan enact:

SECTION 1. The east half of section ten and the northeast quarter of section fifteen, of the township of Colon, said township of Colon being township six south, of range nine west, in the county of St. Joseph and State of Michigan, are hereby detached from the territory heretofore embraced by the corporate limits of the village of Colon, in said county of St. Joseph. The said east half of said section ten and the said northeast quarter of said section fifteen, of said township of Colon, are hereby placed entirely without the corporate limits of said village of Colon; and all of said described lands and the occupants thereof are severed and wholly excluded from the jurisdiction of said village corporation; and the territory so detached shall revert back and become a part of the township of Colon the same as before the incorporation of the said village of Colon; and the said village of Colon and the officers thereof shall not hereafter have or exercise any dominion, authority, government or control over any portion of the said lands so placed without the corporate limits of said village.

Territory detached.

Lands and occupants excluded from village jurisdiction.

Village not to have any control or authority.

This act is ordered to take immediate effect.

Approved March 23, 1905.

[No. 416.]

AN ACT to establish a board of police commissioners for the city of Mt. Clemens and to prescribe its powers and duties.

The People of the State of Michigan enact:

SECTION 1. On the first Monday in May in the year nineteen hundred five, or as soon thereafter as may be, the mayor of the city of Mt. Clemens shall appoint three suitable persons, electors of said city, one from each ward, not more than two of whom shall belong to the same political party, who shall constitute a board of police commissioners for said city,

Commissioners, who to appoint.

Term of office.	one of whom shall be appointed for one year, one for two years and one for three years; and thereafter one shall in like manner be appointed annually to hold office for the term
Power of.	of three years. Said board, or a majority thereof, shall, after having taken the oath of office as provided by law, have full power to try and determine all complaints against the marshal or any policeman or watchman of said city, and to remove them or any of them summarily, or on conviction for insubordination, neglect of duty, or violation of any ordinance, rules or regulations, or violation of any law of this State or city. The city clerk shall be clerk of said board and shall keep the records thereof. Said commissioners shall receive no compensation. In case any vacancy occurs, the mayor shall in the same manner appoint some person to fill the unexpired portion of the term.
Clerk of.	
Vacancy, how filled.	
May issue warrants, subpoena witnesses, etc.	SEC. 2. Said board, when convened for the purposes mentioned in the preceding section, shall be vested with the full power to subpoena witnesses, issue warrants, compel the attendance of witnesses, administer oaths, take and record testimony, and to do such other acts as may be lawful to be done by any court for the purposes mentioned in said section.
Shall appoint marshal, etc.	SEC. 3. The said board of police commissioners shall have power to appoint a city marshal, and such other officers and policemen and watchmen with pay, and such number of policemen and watchmen without pay, as the said board shall deem expedient: Provided, That no greater number of policemen or watchmen with pay shall be appointed than shall be authorized by the common council, and the expenses therefor provided. In time of special emergency or apprehended danger from riots or other cause, said board, or a majority thereof, may appoint as many patrolmen with or without compensation as they may deem expedient; said board shall have charge and supervision of the city penitentiary, and shall appoint all officers necessary therefor, prescribe their powers and duties, regulate the time and manner that prisoners shall be kept at labor, and make such rules and orders concerning the good government and regulation of said penitentiary as they may deem necessary and proper. The marshal shall be the chief of police of the city, subject to the direction of the council as a legislative body, and of the board of police commissioners. As peace officer he shall be vested with all the powers of sheriff for the preservation of quiet and good order.
Proviso, as to number of police, etc.	
Shall have charge of city penitentiary.	
Marshal to be chief of police.	
Board to have control of police force, etc.	SEC. 4. Said board shall assume and exercise the entire control of the police force of said city. It shall have the custody and control of all public property, books, records and equipments belonging to the police, and shall have power to erect and maintain all such lines of telegraph or telephone in such places within said city as, for the purposes of police protection, the board shall deem necessary, whenever the common council shall authorize the establishment of said

telegraph or telephone line or lines, and provide for the costs thereof.

SEC. 5. Any member of the police force appointed by said board shall, before entering upon the duties of his office, make and file with the city clerk, the official oath required by law. After filing said oath, the marshal and policemen so appointed, shall possess all the powers of constables, within the limits of said city. They shall have the power therein to serve any warrant, order or process whatsoever issued or directed by any justice of the peace, judge, court or officer of the State of Michigan, in the execution of the law of this State for the prevention of crime and the punishment of offenders against the police laws and regulations of the city or State.

Police to make oath.

Power to serve warrants, etc.

SEC. 6. It shall be the duty of said board, and of the police force hereby constituted, at all times of the day and night, within the boundaries of said city, to preserve the public peace, to prevent crimes and to arrest offenders, pursue and arrest any person fleeing from justice, in any part of the State; to make complaints to the proper officer or magistrate of any person known or believed by them to be guilty of the violation of the ordinances of the city or of the penal laws of the State; to guard the public health, to enforce all the laws of the State, and all ordinances, orders and resolutions of the common council of said city. No member of the board of police commissioners, or of the police force, shall receive or share, under any pretense whatever, in any present, fees, gift or emolument for police service or service of process from any other source than the regular salary and pay, and all moneys and fees received by them shall be paid into the city treasury for the city, and be placed in the contingent fund.

Board and police force, duties of

Not to receive fees.

Fees, where paid.

SEC. 7. The marshal, captain of police and policemen and watchmen shall receive such salary or compensation as the common council shall prescribe.

Salaries.

SEC. 8. The mayor shall have power to remove any member of the board from office, for neglect of duty, misconduct or other sufficient cause.

Mayor may remove.

This act is ordered to take immediate effect.

Approved March 23, 1905.

[No. 417.]

AN ACT to amend act number four hundred forty-two of the local acts of eighteen hundred ninety-five, entitled "An act to reorganize school district number four of the township of Fair Grove, Tuscola county, Michigan, and fractional school district number six of the townships of Fair Grove and Gilford, in said county, and to organize a school district in said township of Fair Grove to be known and designated as school district number eight of Fair Grove," approved May twenty-five, eighteen hundred ninety-five, by adding thereto a section to be known as section five.

The People of the State of Michigan enact:

Act
amended.

SECTION 1. Act number four hundred forty-two of the local acts of eighteen hundred ninety-five, entitled "An act to reorganize school district number four of the township of Fair Grove, Tuscola county, Michigan, and fractional school district number six of the townships of Fair Grove and Gilford, in said county, and to organize a school district in said township of Fair Grove to be known and designated as school district number eight of Fair Grove," approved May twenty-five, eighteen hundred ninety-five, is hereby amended by adding thereto a section to be known as section five, the same to read as follows, viz.:

School in-
spectors au-
thorized to
attach certain
territory.

SEC. 5. The school inspectors of the said township of Fair Grove shall have the right, and are hereby authorized to attach territory lying contiguous to school district number eight of the said township of Fair Grove to said school district number eight under the provisions of the general school law of this State, relative to the alteration of school districts and may from time to time add to the territory, in this act described as constituting said district number eight, such territory in said township of Fair Grove lying contiguous thereto, as they may in their discretion see fit under the said provisions of said general school law.

This act is ordered to take immediate effect.

Approved March 23, 1905.

[No. 418.]

AN ACT to authorize and empower the township board of the township of Adams in the county of Houghton, Michigan, to adopt and enforce ordinances relating to the peace, welfare and good order of said township.

The People of the State of Michigan enact:

SECTION 1. The township board of the township of Adams in the county of Houghton, Michigan, in addition to such other powers as are conferred by law, is hereby authorized and empowered at any legal meeting of said board, by a majority vote of said board, to make and adopt ordinances, orders or by-laws to restrict or prevent the running at large, within said township, of cattle, horses, swine, sheep and other animals; to restrain and prevent vice and immorality; to punish vagrants, disorderly persons and common prostitutes; to prohibit and suppress disorderly and gaming houses; to suppress gaming; and to adopt such other ordinances and make such other regulations for the safety and good government of such township and the general welfare of its inhabitants as the said board shall judge most conducive to the peace, welfare and good order of said township.

Authorized to make and adopt certain ordinances, etc.

SEC. 2. When by the provisions of this act the township board of said township shall have authority to pass any ordinance, order, by-law or regulation, it may prescribe fines, penalties and forfeitures not exceeding fifty dollars, or imprisonment not exceeding sixty days, or both such fine and imprisonment, in the discretion of the court, together with the costs of prosecution, for each violation of any of said ordinances, orders, by-laws or regulations; and may provide that the offender on failing to pay such fine, penalty or forfeiture and the costs of prosecution, may be imprisoned for a period not exceeding sixty days, unless payment thereof be sooner made. Said township board shall be allowed the use of the county jail of Houghton county for the confinement of all persons liable to imprisonment for violation of such ordinances, orders, by-laws or regulations, and in all cases of imprisonment for breaches of such ordinances, orders, by-laws or regulations, such imprisonment in such jail, shall be at the expense of the township. Persons violating any of such ordinances, orders, by-laws or regulations, shall be deemed guilty of a misdemeanor and may be prosecuted therefor before any justice of the peace of the township of Adams in the county of Houghton.

May prescribe fines, penalties, etc.

Allowed use of county jail.

Misdemeanors.

Where prosecuted.

SEC. 3. Such ordinances, orders, by-laws, or regulations, where they impose for violation thereof a fine, penalty or imprisonment, or both, shall not take effect for at least twenty days after adoption, and shall in all respects, where not in-

Certain ordinances, when to take effect.

How published,
etc.

consistent with the provisions of this act, be enacted, adopted and published in the same manner as is provided for the enactment and publication of ordinances by villages.

This act is ordered to take immediate effect.

Approved March 23, 1905.

[No. 419.]

AN ACT to fix and determine the compensation to be paid to the supervisors of the several townships of the county of Bay for services rendered by them as assessors, and in making the assessment rolls of said townships.

The People of the State of Michigan enact:

Amount of.

How paid.

Proviso as to
further compensation.

SECTION 1. The supervisors in the several townships of the county of Bay shall be paid for services rendered by them to said townships in making the assessment of property, writing the assessment rolls and spreading the taxes thereon, the sum of three dollars per day to be paid from the contingent fund of said township, on orders signed by the chairman and clerk of the township board: Provided, That any supervisor receiving further or other compensation for such service shall be guilty of a misdemeanor and on conviction thereof, shall be punished by a fine of not less than fifty dollars or more than one hundred dollars, or by imprisonment in the county jail not exceeding sixty days.

This act is ordered to take immediate effect.

Approved March 23, 1905.

[No. 420.]

AN ACT to amend sections one and five of chapter three, sections nine and ten of chapter fourteen, section seven of chapter sixteen, section two of chapter nineteen, section one of chapter twenty-two, section three of chapter twenty-three, sections three, ten, seventeen and twenty-one of chapter twenty-six, and to repeal section two of chapter twenty-six of an act, entitled "An act to incorporate the city of Flint and to repeal all acts and parts of acts inconsistent herewith," approved March twenty-one, nineteen hundred one, as amended by act number three hundred seventy-two of local acts of nineteen hundred three, and to add thereto one section to stand as section four of chapter twenty-two, and to add two new chapters thereto to stand as chapter twenty-eight and chapter twenty-nine, and to repeal all acts and parts of acts inconsistent herewith.

The People of the State of Michigan enact:

SECTION 1. Sections one and five of chapter three, sections nine and ten of chapter fourteen, section seven of chapter sixteen, section two of chapter nineteen, section one of chapter twenty-two, section three of chapter twenty-three, sections three, ten, seventeen and twenty-one of chapter twenty-six of an act, entitled "An act to incorporate the city of Flint and to repeal all acts and parts of acts inconsistent herewith," approved March twenty-one, nineteen hundred one, are hereby amended so as to read as hereinafter set forth; section two of chapter twenty-six is hereby repealed; and one section is hereby added to chapter twenty-two to stand as section four, and two new chapters added to said act to stand as chapters twenty-eight and twenty-nine, said added section and chapters to read as hereinafter set forth, to wit:

Sections
amended.

CHAPTER III.

SECTION 1. The annual election under this act shall be held on the first Monday of April in each year, at such place in each of the several voting precincts as the common council shall designate. Notice of such election shall be given by the city clerk in the official paper of the city, at least eight days before the election. At such election there shall be chosen in and for said city the following officers, to wit: One mayor, one treasurer, and one city assessor. The mayor and treasurer shall be elected to hold their several offices for the year and until their successors shall be elected and qualified. The city assessors shall hold their offices for three years and until their successors shall be elected and quali-

Annual
election.

Notice of.

Officers
elected.

Terms of
office.

Proviso as to board of assessors.

Vacancy, how filled.

Officers elected by council.

Term of office.

When office declared vacant.

fied. There shall also be elected at the same time and upon the same ticket, in and for each of the wards of said city, one supervisor, one alderman and one constable. The supervisors and constables shall hold their offices for one year and until their successors shall be elected and qualified. The aldermen shall hold their offices for two years, and until their successors shall be elected and qualified: Provided, That at the charter election in the year nineteen hundred three, there shall be elected three members as a board of assessors for said city, one to be elected for one year, one for two years, and one for three years. And the term for which they shall be elected, respectively, shall be designated upon the ballots therefor. Thereafter one member of said board of assessors shall be elected each year. If at the time of said annual election there shall be a vacancy in any of said offices, it shall be filled at said election for the remainder of the unexpired term, upon the same ticket, but the name of the candidate therefor shall be designated by the word "vacancy" following. The treasurer shall not be eligible to hold office longer than two in any consecutive years.

SEC. 5. The common council shall have the power and it shall be its duty on the first Monday in May each year to elect by ballot the following officers, to-wit: One city clerk, one city attorney, one health officer, one city engineer, one chief of the fire department and such other officers whose election or appointment is not herein otherwise provided for, as said common council may deem necessary to carry into effect the powers granted by this act. Should there be more than one candidate for the same office the party receiving a majority vote of the aldermen elect shall be declared elected. All officers elected or appointed under this section shall hold their offices for one year and until their successors are elected and qualified. They shall file their oaths of office with the city clerk before entering upon the duties of their office. If any person elected to any office under the provisions of this section shall refuse or neglect to file his oath of office within ten days, the said office shall be declared to be vacant and the council shall elect another person as herein provided.

CHAPTER XIV.

Bonds for water and electric lights.

Question to be submitted to electors.

SEC. 9. Whenever the common council shall by resolution declare that it is expedient for said city to issue bonds, to acquire by purchase, or to construct as the case may be, works for the purpose of supplying said city, and the inhabitants thereof, or either with water, or with electric lights, the council shall direct the city engineer to cause to be made and recorded in the clerk's office, an estimate of the expense thereof; and he shall submit the same to the common council. The question of bonding said city for said purpose, shall be submitted to the tax-paying electors of the city, at its an-

nual election, or at a special meeting of said tax-paying electors, called for that purpose by the council, as provided in section three of chapter nineteen of said act, and shall be determined as a majority of the tax-paying electors voting at such election by ballot shall decide. The council shall have power to fix the time and place of payment of the principal and interest of the debt contracted under the provisions of this section, but the rate of such interest shall not exceed four per cent per annum, and such bonds shall not be sold for less than their par value, and all bonds hereafter to be issued by the city of Flint for the raising of money for any purpose whatever shall be exempt from any and all local, city taxation under the laws of the State of Michigan. .

Council may
fix time and
place of
payment.
Interest.

Sec. 10. The common council in addition to the duties specially conferred upon them in this act, shall have power within said city to enact, continue, establish, modify, annul and repeal such ordinances, by-laws and regulations as they may deem desirable within said city for the following purposes:

Council may
pass ordi-
nances for
what pur-
poses.

First, To prevent vice and immorality, to preserve public peace and good order, to organize, maintain and regulate a police force of the city, to prevent and quell riots, disturbances and disorderly assemblies, to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

Good order,
etc.

Second, To prevent, restrain and suppress all disorderly houses and places, houses of ill-fame, assignation houses, and to punish the keepers thereof and dwellers therein and all who resort thereto for purposes of prostitution, or to associate with prostitutes;

Disorderly
houses.

Third, To prohibit, restrain and prevent persons from playing for money or other valuable things with cards, dice, wheels of fortune, boxes, machines or other instruments or devices whatsoever in any saloon, bar-room, grocery store, shop or in any other places in said city, to punish the persons keeping the place, instruments, devices or means of such gaming, and to provide for and compel the destruction of such instruments, machines or other devices whatever, used or intended to be used for gaming as aforesaid;

Gaming.

Fourth, To prohibit the selling or giving of any spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, or any minor or apprentice;

Spirituous
liquors.

Fifth, To prevent the violation of the Sabbath, the disturbance of any religious congregation, or any other meeting assembled for any lawful purpose;

Sabbath
desecration.

Sixth, To prohibit and prevent in the streets or elsewhere in said city, any lewd and lascivious behavior, or any indecent exposure of the person, the show, sale or exhibition for sale of any indecent or obscene pictures, drawings, engrav-

Indecency

ings, paintings, books or devices, or any written or printed or other thing containing obscene, scurrilous or scandalous matter, and all indecent or obscene exhibitions and shows of every kind;

Unwholesome,
offensive
substances.

Seventh, To prohibit or prevent any person from bringing, depositing or leaving within the limits of said city, or within one-half mile distant therefrom, or keeping or having on the premises owned or occupied by them in said city, any dead carcass, putrid or unsound meat, fish, hides, skins, or any article, substance or thing that is unwholesome or offensive; or the trying or rendering any unwholesome, putrid or offensive tallow, lard or meats in said city, and to authorize the removal or destruction thereof by some officer of said city; or to compel any person so bringing, depositing, or leaving the same within the limits of said city or within one-half mile therefrom, or having or keeping the same on the premises owned or occupied by them in said city, to remove the same; to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city, and to direct the location of all slaughter houses and markets;

Explosives,
fireworks,
bonfires.

Eighth, Concerning the buying, carrying, selling, storing and using of dynamite, gunpowder, or other combustible materials, and the exhibition of fireworks, the use of lights in barns, stables and other buildings, and to regulate or prohibit the discharge of firearms within the limits of the city, or the making of bonfires in streets or yards;

Immoderate
riding and
driving.

Ninth, To prevent and punish horse racing and immoderate riding or driving in any street or alley, and to authorize the stopping and detaining of any person who shall be guilty of immoderate riding or driving in any street or alley in said city;

Relative to
streets.

Tenth, To provide for or compel cleaning the highways, streets, lanes, alleys, public grounds, crosswalks and sidewalks of said city of dirt, filth, snow and other substances; to prohibit and prevent the encumbering thereof with boxes, signs, posts and all other materials and things whatsoever, and to remove the same therefrom, and to prevent any encroachments upon any street, and to provide for the removal of such encroachments; to prevent the exhibition of signs upon canvass or otherwise in or upon any vehicle standing or traveling upon the streets or public grounds of said city; to control, prescribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs and articles of merchandise therefrom; to prohibit and prevent all practices, amusements and doings having a tendency to frighten horses and teams, or dangerous to life,

person or property; to remove or cause to be removed all walls and other structures that may be liable to fall so as to endanger life and property; to control, regulate and prescribe the manner in which the highways, streets, lanes, alleys, public grounds and spaces within said city shall be used and enjoyed; to regulate, restrict or prohibit the use of bicycles and tricycles upon any and all sidewalks in the city of Flint; to limit the speed at which bicycles, tricycles or any other vehicles propelled by hand or foot, or both, may be used in the streets;

Eleventh. The common council shall have power to provide for and change the location and grade of street crossings of any railroad track and to compel any railroad company or street railway company to raise or lower their railroad track to conform to street grades which may be established by the city from time to time, and to construct street crossings in such manner and with such protection to persons crossing thereat as the council may require, and to keep them in repair. Also to determine and designate the routes and grades of any railroad track to be laid in said city and to prevent the changing of any such grade at any street crossing without the consent of the council, and to restrain and regulate the use of locomotives, engines and cars, and the shunting and switching thereof on or across any of the streets, lanes or alleys in said city upon any of the railroads within said city. Also to require and to compel railroad companies to keep flagmen and watchmen at all railroad crossings of streets and to give warning of the approach and passage of trains thereat, and to light such crossings during the night, and to regulate and prescribe the speed of all locomotives, railroad trains and street railway cars within said city, but such speed shall not be required to be less than five miles per hour, and to impose a fine of not less than five or more than one hundred dollars upon the company and upon any engineer or conductor violating any ordinance regulating the speed of trains;

Twelfth. The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair such ditches, drains, sewers and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform such regulations according to the direction of the council, the council may cause the work to be done at the expense of such company and the amount of such expense may be collected at a suit of the city against the company in a civil action before any court having jurisdiction of the cause;

Thirteenth. To preserve the salubrity of the waters of the Flint river and other streams within the limits of said city;

Railroad and street crossings.

Routes and grades of tracks.

Flagman at crossings.

Speed of trains, etc.

Drains, culverts, etc., along railroad.

Relative to Flint river and other streams.

- to prohibit or regulate bathing therein, and to provide for cleansing the same of driftwood and other obstructions; to fill up all low ground or lot covered or partially covered with water within the limits of said city, or to drain the same as they may deem expedient;
- Shows and exhibitions.** Fourteenth, To prohibit, restrain, license and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other performances and exhibitions for money;
- Vagrants, etc.** Fifteenth, To restrain and punish drunkards, vagrants, street beggars and other disorderly persons;
- Labor of prisoners.** Sixteenth, To employ all persons imprisoned for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act or any ordinance of the common council of the city of Flint in a city lockup or in the jail of Genesee county, at work or labor upon the streets of said city, or any public work under the control of said council;
- Mock auctions.** Seventeenth, To prohibit and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or aiding in the management and practice thereof;
- Auctioneers.** Eighteenth, To license auctioneers, auctions and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction, upon the streets, alleys or public grounds in said city; to regulate or prohibit the sale of goods, wares, property or anything at auction, or by the manner of public biddings, or offers by the buyer or seller after the manner of auction sales or Dutch auctions, and to regulate the fees to be paid by auctioneers, but no license shall be required in cases of sales required by law to be made at auction or public vendue;
- Unwholesome food.** Nineteenth, To prohibit and suppress the sale of every kind of unsound or unwholesome meat, poultry, fish, vegetables or other articles of food and provision, and to punish all persons who shall knowingly sell the same or offer or keep the same for sale;
- Weights and measures.** Twentieth, To provide for the inspection and sealing of weights and measures, and to enforce the keeping of proper weights and measures by vendors;
- Paupers.** Twenty-first, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to said city from any other place any pauper or other person likely to become a charge upon said city or on the public, and to punish therefor;
- Burial of strangers.** Twenty-second, To provide for the burial of strangers and poor deceased persons;
- Cemeteries.** Twenty-third, To protect all public grave yards within the city limits or adjacent thereto belonging to said city, and all grounds procured, or that may be procured for the purpose of public burial, and to compel the keeping and returning of bills of mortality; and may cause the same to be vacated and the remains of persons buried therein to be re-

moved under such restrictions and regulations as they may prescribe: Provided, No burial grounds shall be vacated until the question of vacating the same shall be submitted to and approved by a vote of the electors of said city, at some special election to be held at such time and conducted in such manner as the common council shall prescribe; Provido.

Twenty-fourth, To provide for public parks and squares; make, grade, improve and adorn the same; to care for all grounds in said city belonging to or under the control of said city, and to regulate and use the same consistently with the purposes and objects thereof; Parks.]

Twenty-fifth, To regulate and establish the line upon which buildings may be erected on any street, lane or alley of said city and to prevent such buildings being erected nearer the street than said line; Street lines.

Twenty-sixth, To establish, order and regulate the markets, and to prohibit forestalling the same, to regulate the vending of wood, meats, vegetables, fruits, fish and provisions of all kinds, and prescribe the time and place for selling the same; Public markets.

Twenty-seventh, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine or other animals, geese, poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding; Pounds.

Twenty-eighth, To prevent or regulate the running at large of dogs; to impose taxes on the owner of dogs, and to prevent dog fights in the streets; Dogs.

Twenty-ninth, To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets; Bells, street noises.

Thirtieth, Concerning the lighting of the streets and alleys, and the protection and safety of public lamps; Street lighting.

Thirty-first, To establish, regulate and preserve public reservoirs, wells and pumps; to provide an adequate supply of water for fire purposes, for lawn and street sprinkling, and also of water fit for domestic use, and to prevent the waste of water; Water

Thirty-second, To adopt rules and regulations for cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license; Cartmen, omnibus drivers, etc.

Thirty-third, To prevent runners, stage drivers, and others from soliciting passengers and others to travel or ride in any stage, omnibus or railroad, or to go to any hotel or otherwise; Soliciting passengers.

Thirty-fourth, To license, regulate and restrain hawking and peddling in the streets; to license and regulate pawn brokers and auctioneers; Hawkers, pawnbrokers.

Thirty-fifth, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts Carriage stands, rates of fare.

Wood, hay, etc.	and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city, and to regulate the sale thereof;
Bonds and sureties.	Thirty-sixth, To prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same in cases not otherwise provided for by law;
To license saloons, etc.	Thirty-seventh, To restrain, license and regulate saloons and other places where intoxicating or spirituous liquors or malt, brewed, fermented, spirituous, or vinous liquors are sold or to be sold, and to regulate and prescribe the location thereof; to forbid and prevent the vending or other disposition of any intoxicating liquors in violation of the laws of the State;
Powers and duties of officers.	Thirty-eighth, To prescribe the powers and duties of all the officers of said city, except as herein otherwise provided, and their compensation, and the fines and penalties for their delinquencies;
To provide and maintain jail.	Thirty-ninth, The common council shall have power to provide for, or to construct and maintain a city jail or lockup, and to provide by ordinance or resolution for the control and management of the same and the confinement of persons therein;
Fire limits.	Fortieth, To establish fire limits within which no wooden building or structure shall be erected, enlarged or placed;
To prescribe manner of constructing buildings.	to prescribe the manner of constructing, and to designate the materials to be used in the outer walls and roofs of buildings in such limits; and to compel the construction and maintenance of proper fire escapes, with a view to protection against fire and the loss of life;
Automobiles.	Forty-first, To regulate and control the running or operating of automobiles, or self-propelling machines, or vehicles upon or along the streets, lanes and alleys of the city;
To have control over streets, etc.	Forty-second, The common council is hereby invested with full power and control over any and all streets, lanes, alleys and public places within the city, and said council may provide for the repair and improvement of the same in such manner and with such material as it shall determine to be for the best interests of the city, and all taxes and assessments for highway and street purposes shall be expended thereon as the common council shall order and direct.
Inspection of streets, etc.	The council shall provide adequate and careful inspection of said streets, lanes, alleys and public places, and all sidewalks and crosswalks therein and keep the same and all parts thereof in repair;
Nuisances.	Forty-third, To prohibit, prevent, regulate, abate nuisances of every kind, and to declare what shall be considered nuisances, and to compel the owner or occupant of any factory, building, smokestack, chimney, grocery, provision store, tallow chandler shop, butcher's stall, slaughter-house, market, soap factory, tannery, stable, junk-shop, privy, privy-

vault, cesspool, hogpen, sewer or other unwholesome house or place, to cleanse, remove, or abate the same from time to time as they may deem necessary for the health, comfort and convenience of said city;

Forty-fourth, And further, they shall have authority to enact all ordinances, and to make all such regulations consistent with the laws and constitution of this State, as they shall deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation for any purpose whatever. For the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance made by them that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars or be imprisoned in the county jail or city lockup for a term not exceeding three months, or by both such fine and imprisonment in the discretion of the justice or court that shall try the offender: *Provided*, The right of trial by jury, when demanded, shall in all cases be preserved, and also the right of appeal according to the general laws of this State.

May enact ordinances for good of city.

Exclusive rights not to be granted. May prescribe penalties.

Proviso.

CHAPTER XVI.

SEC. 7. All fines, forfeitures and penalties imposed for the violation of any ordinance of said city, may, at the election of the city attorney, be sued for, and in the name of the said corporation before any court of competent jurisdiction, in an action of assumpsit for money had and received, and in declaring in such action it shall be deemed sufficient to refer to the ordinance claimed to have been violated, by its proper title and date of its passage. Whenever any such ordinance shall impose a fine without imprisonment, or a fine or imprisonment, or both a fine and imprisonment, action may be brought for the enforcement thereof under this section; but if brought under this section the city shall be deemed to have waived all imprisonment of the defendant. The form of the action, writ, time of return and manner of service thereof, the pleadings and all proceedings in the cause, including final writ of execution and discharge thereof, shall be and conform as near as may be to the action of assumpsit now in common use for the collection of debts and the enforcement of contracts between party and party. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for as provided in this section.

Fines, etc., how collected.

When imprisonment deemed waived.

Proceedings to be in nature of assumpsit.

CHAPTER XIX.

General ex-
penses, how
raised.

Limit of
assessment.

General fund,
how divided.

How funds
transferred.

Proviso as to
water, etc.,
funds.

Damage and
contagious
disease funds,
how paid.

Limit of
assessment.

SEC. 2. For the purpose of defraying the general expenses and liabilities of said city, the common council may cause to be raised annually by tax upon the real and personal property within said city, such sum as it may deem necessary, not exceeding six-tenths of one per cent of the valuation of such real and personal property within the limits of said city, according to the valuation thereof, as shall appear on the assessment rolls for the year, as equalized by the board of equalization and review; which sum the common council shall vote to raise, on the first Monday of June in each year, or as soon thereafter as practicable. The sum so raised for general expenses shall be known as the general fund and divided into a contingent fund and department funds as follows:

Sewer Fund, To provide for construction and maintenance of sewers;

Water Supply Fund, To provide a water supply for fire protection and other purposes;

Lighting Fund, For lighting the streets and municipal buildings;

Fire Department Fund, To defray the expenses of the fire department;

Police Fund, For the maintenance of the police department;

Salary Fund, To pay the salaries of the city officials which are to be paid from the salary fund;

Building Fund, To repair municipal buildings or build new ones;

Damage Claim Fund, To pay the expenses and costs of defending or settling damage claims;

Contagious Disease Fund, To pay all claims certified by the board of health, and audited and allowed by the council and chargeable to the county of Genesee;

Contingent Fund, To defray the incidental expenses of the city for which no other provision has been made.

Transfers may be made from any one of the foregoing funds to any other of the same, by a three-fourths vote of all the aldermen elect, but no transfer shall be made from any of said funds to any fund not named above: Provided, The amount to be raised for the water supply, lighting, fire department, police, salary and building funds, shall be determined by an estimate of the requirements of each fund to be made by the committee on finance, and approved by the common council, on the first Monday in March of each year, or as soon thereafter as may be; all claims or bills against the damage claim and contagious disease funds shall be paid from the contingent fund; and the total of the estimates so made, including the amount necessary for the contingent fund, which shall be estimated in like manner on the third Monday in May, or as soon thereafter as may be, shall not exceed six-tenths of one per cent for any one year and shall

constitute the city tax for the purpose of convenient levy. The said common council may also, and at the same time, by a vote of not less than three-fourths of all the aldermen elect, cause to be raised such sum, not exceeding two-tenths of one per cent of the said real and personal property within the limits of said city, as they may deem advisable, as a street fund, to be used for street and highway purposes, and for paving street crossings, and for grading, macadamizing, graveling or repairing such portions of the thoroughfares of the city as they deem advisable, and for no other purpose; one-half of this amount shall be levied and assessed on the June roll, and the other half shall be levied, assessed and collected on the same roll as the State and county taxes, and shall be passed to the credit of the street fund of said city. The common council of said city is hereby authorized to cause to be raised, in addition to all other taxes, a sufficient amount of tax annually to be known as the "Bridge Tax," to build and keep in repair its bridges, and no part of it shall be used for any other purpose. It may be raised on the June or December roll, as the council shall deem best. All bridges within the limits of said city shall be built and kept in repair at the expense of said fund. No temporary or other loan shall be made from either the street, bridge or contingent funds to any other fund or funds, either general or special. Any violation of any of the provisions of this section shall be deemed a misdemeanor on the part of any and all officials concerned or taking part therein.

Street fund,
amount of as-
sessment for.

When levied
and assessed.

Bridge tax

Misdemeanor,
what deem-
ed a.

CHAPTER XXII.

SECTION 1. There shall be a board of city assessors, three in number, elected from the city at large as provided in section one of chapter three of this charter, who shall be electors and freeholders of the city; and said assessors, with the city clerk, city attorney and the several supervisors of the several wards of the city shall be ex officio a board of equalization and review, and perform all the duties required of such board in this chapter. The assessor whose term of office shall first expire shall be ex officio chairman of the board of assessors, and also of such board of equalization and review. The city clerk shall act as clerk of such board of review. Said city assessors shall in the year nineteen hundred three and every three years thereafter, commencing on the first Monday in July, and continuing not exceeding four months, make a full and complete valuation of all the taxable real estate of the city, at its just and fair cash value, as provided by law for the valuation of property for the purpose of taxation. A separate roll shall be made for each ward, and every effort shall be made by them to have every description of such property on the proper roll and correctly described and

Board of
equalization,
who to com-
pose.

Chairman of.

Clerk of.

When assess-
ors to make
valuation.

How rolls
prepared.

Where filed.	valued. The name of the owner of each parcel shall be given therewith when known, but the grouping may at their own discretion be by blocks and plats, where practicable. The said rolls when completed shall be filed in the office of the city clerk and be at all times open for inspection by all persons interested. Such parcels of property as the board may find are not upon the proper rolls, as last equalized, they may by writing signed by them, direct the city clerk, at any time before the extension of the taxes upon the December rolls, to enter on the rolls where they belong, and to extend taxes against them as against the other property on the rolls.
Board may add property to rolls.	
Rolls not invalidated by excess of tax. Compensation of assessors.	If an excess of taxes shall thereby be caused, the rolls shall not on that account be invalidated, but such excess shall go into the contingent fund of the city. The compensation of said assessors shall be a per diem compensation, as fixed by resolution of the council, and not less than that given by this charter to the supervisors. They shall each take the constitutional oath before entering upon the duties of their office, and shall also certify under oath as to the correctness of their valuations, according to their best judgment. In case of a vacancy caused by death, resignation, removal from the city or otherwise, the mayor shall nominate a freehold elector of the city to fill the same. Every person so nominated, on being confirmed by a majority vote of all the aldermen elect, and taking the constitutional oath, shall be a member of said board until the next annual election. If any person so appointed a member of said board shall refuse or neglect, for ten days after being duly notified thereof, to qualify by taking said oath and filing it with the city clerk, the latter shall at once notify the mayor and common council thereof. Such failure may be taken as a declination of the office, and a new nomination may be thereupon made and confirmed in the manner aforesaid.
Vacancy, how filled.	
When appointee to qualify.	

CHAPTER XXIII.

Bidders to furnish security.	SEC. 3. The common council shall require all bidders to furnish security for the performance of proposals tendered to said clerk, if the bid is accepted, and also security for any contract awarded, and all bids submitted to said clerk shall be publicly opened by the council, or proper committee, and as soon thereafter as may be the mayor and city clerk shall enter into a contract with said bidder to whom the contract was awarded to furnish said material and perform said labor. The construction and repair of all public improvements shall be under the supervision of the city engineer. The city engineer shall classify the various works under his control, and upon the second Monday of March in each year, and oftener if required by the council, submit to it a statement showing in detail the progress and condition of all public improve-
City engineer to make annual statement.	

ments commenced or carried forward by or under the supervision of said city engineer, the character and amount of all contracts made by the mayor and city clerk, the moneys earned and paid thereon, and all other information necessary for the full understanding of the business conducted by said engineer. The city engineer shall from time to time make estimates of the amounts earned and payable upon any contract for work done and material furnished, and report the same to the council, and thereupon it shall be the duty of the council without unreasonable delay to order payment from the proper funds sixty per cent of the amount so reported.

Make estimates of amounts earned on contract work.

CHAPTER XXVI.

SEC. 3. The common council shall have power by a two-thirds vote of all members elect to contract with persons or corporations starting new manufacturing or other business enterprises within said city for the remission of all general municipal taxes of the city on the property real and personal, of such person or corporation actually used for the purpose of such new manufacturing or business enterprises, for such a period not exceeding ten years as the common council may deem for the interest of the city.

Council may remit taxes.

SEC. 10. No contract shall be made, or liability incurred for or in behalf of the city by the common council, city officers, its agents or employees, for any material, labor, work, repairs or improvements, except as herein otherwise provided, the payment for which would be a proper charge against any city fund of said city, unless there is in such fund to pay therefor sufficient moneys not otherwise expended or liability therefor incurred, payable therefrom; nor shall any expenditure be made or liability incurred during any fiscal year, for any such material, labor, work, repairs or improvements in excess of the money appropriated therefor. All contracts made and entered into by said city, and all liability incurred by the common council, city officers, agents or employees for or in behalf of said city, for materials, labor, work, repairs or improvements, except as herein otherwise provided, the payment for which would be a proper charge against any of said funds, in excess of the money appropriated for such fund, shall be null and void: Provided, That in the construction of any public improvements the expense of which it has been determined by the common council shall be assessed in whole or in part against the owners or occupants of property specially benefited thereby, a contract for the construction of such public improvement may be entered into when that portion of the expense to be borne by the city, if any, has been paid into the fund chargeable with such contract; and the special assessment rolls assessing that portion of the expense determined to be assessed against the owners or occupants of

No contracts to be made in excess of funds.

When contracts null and void.

Proviso as to special assessments for improvements.

Further proviso.

May raise money in anticipation of receipts.

When accounts may be allowed against money to be raised.

City may borrow money for walks.

Council may accept or reject bids.

the property specially benefited shall be duly made, confirmed and placed in the hands of the city treasurer for collection: And Provided further, No such work or improvement shall be paid for, except from the proceeds of the tax or assessment thus levied, or from the proceeds of loans made in anticipation of the collection of said tax. The common council shall have power to raise moneys in anticipation of the receipts from special assessments for the purpose of defraying the cost of the improvement for which the assessment was levied, such loans shall not exceed the amount of the assessment for the completion of the whole work.

SEC. 17. Whenever the common council shall have levied a special assessment to defray the expenses of any local improvement in whole or in part and the tax roll for collecting such special assessment shall have been put in the hands of the treasurer for collection, accounts may be allowed against the money to be raised thereby to the amount of sixty per cent of the amount of work done and material furnished as estimated by the city engineer, though not collected, but the same shall be paid only from the moneys raised for said improvement, and shall draw no interest. It shall be lawful for the city to temporarily borrow money to construct sidewalks, as may be needed, at not exceeding five per cent interest, but the same shall be fully paid up before the close of the fiscal year in which it may have been borrowed.

SEC. 21. Whenever the city clerk shall have advertised for proposals for the furnishing of materials and for the performance of the work of making any public improvement decided upon by the common council, and submitted all bids received therefor to said council, the latter may accept that one of the bids so made which it deems most advantageous to the city, or it may reject all the bids so submitted and re-advertise for bids or cause the necessary materials to be procured and the work done by its employees, under such regulation as it shall devise therefor.

CHAPTER XXII.

Assessors to apportion special assessment.

Notice of apportionment.

SEC. 4. When any special assessment shall have been divided into installments pursuant to chapter twenty of this act, and the property against which any assessment has been levied shall be divided into two or more parcels, it shall be the duty of said board of city assessors to apportion to each of said parcels its share of the said special assessment. The said board of city assessors shall give not less than three days' notice by publication in the official newspaper of the city of the time and place of making such apportionment, and they shall at such time and place be present and hear and inquire into objection to such apportionment, and may administer oaths to and examine witnesses relative thereto, and

may adjourn the hearing from time to time not longer than one month; and such apportionment when made shall be certified by the said board of assessors to the city clerk and city treasurer and shall be binding on all parties.

CHAPTER XXVIII.

SECTION 1. The city of Flint is hereby authorized and empowered to accept, receive, hold, own and manage any gift, devise, bequest or grant of money or other property for charitable, hospital or educational purposes. City may accept gifts, grants, etc.

SEC. 2. The common council of the city of Flint may accept any such gift, devise, bequest or grant, by a resolution duly passed by a majority vote of all aldermen elect; and may accept the same according to the terms and conditions of such gift, devise, bequest or grant: Provided, If the terms and conditions of such gift, devise, bequest or grant involve an annual expenditure by the city exceeding one thousand dollars or exceeding three per cent of the value thereof, the matter of accepting such gift, devise, bequest or grant shall be submitted to the tax paying electors of the city at the next charter election or at a special election called for that purpose, and if a majority of the votes cast shall be for acceptance, the same shall be accepted, otherwise not. How accepted. Proviso.

SEC. 3. The common council shall have power to enact an ordinance or ordinances for carrying into effect the provision of this chapter and to provide for the control and management of such gift, devise, bequest or grant and the funds derived therefrom. May enact ordinance relative to.

CHAPTER XXIX.

SECTION 1. Whenever it is deemed necessary by the common council to take or appropriate any private property, right of way, interest or estate therein, for any public improvement or use, the proceedings therein shall be as follows, namely: The common council shall first declare by resolution that they deem it for the interest of said city to take the property, interest or estate therein, for public use or improvement, which resolution shall describe the property, interest or estate therein proposed to be taken and the particular purpose for which it is proposed to take the same. The said common council shall thereupon cause notice thereof to be given to the owners or occupants or persons interested, or his, her or their agent or representatives, as far as they can be ascertained, by personal service, or by posting up such notice in three or more public places in said city, stating the time and place when and where said council will meet to consider such resolution, which notice shall describe the property and Appropriation of private property for public use, proceedings in Declaration by resolution. Notice to owners, how given.

the interest or estate therein proposed to be taken and the purpose for which it is proposed to take the same; and which notice shall be served or posted in three or more conspicuous places within the corporate limits of the city of Flint at least ten days before the time of meeting. If, after hearing the persons interested who may appear at such meeting, said common council shall still deem it for the interest of said corporation to take such property, interest or estate therein for the particular public use or improvement mentioned, they shall confirm said resolution, and then they shall proceed to treat with the parties interested in the property proposed to be taken, and obtain a release or conveyance thereof by gift, grant or purchase. If such conveyance or release shall not be obtained by treaty from said parties, or from all of them, then it shall be lawful for the mayor of said city, or in case of his absence from the city, for the city clerk, to apply to the probate court of Genesee county for the appointment of a jury of twelve freeholders of the city to inquire into and ascertain the necessity for taking and using such property for the use and benefit of the public, and the just compensation to be made therefor, and to appraise the damages thereon to such persons as shall not have released all claim for damages or agreed with the mayor or common council on the price to be paid by reason of the taking or using such private property, interest or estate therein, for such specified purpose, which application shall describe the grounds and premises, or the interest or estate therein proposed to be taken, and the purpose for which it is proposed to take the same, and also the fact that the city has failed to obtain the same by treaty, notice of such intended application together with a copy of the same, shall be served on the parties interested in the property proposed to be taken, who have not released or agreed upon compensation to be received therefor, at least fourteen days before the same is presented to such probate court. Such service may be made on such persons personally or by publication for the same length of time in some daily newspaper, to be designated by the common council, and printed and circulated in said city. Upon the receipt of such application, the judge of said court to whom the same is presented, shall make a list of twelve disinterested freeholders residing in said city, having the qualifications of jurors in courts of record of this State, and shall issue a venire under his hand, directed to the chief of police or any constable of the city of Flint, commanding the officer therein named to summon the persons named in said list to be and appear at the probate office in the city of Flint on a day and at a certain hour to be therein named, not less than six or more than twelve days from the time of issuing the same, to serve as jurors to inquire into and ascertain the necessity for taking and using such property for the use and benefit of the public, and the just compensation to be made therefor, and to appraise the

When resolution confirmed.

Application to probate court, when made.

What application to state.

Copy to be served on interested parties.

How service made.

Duty of probate judge.

damages occasioned by taking the property, interest or estate therein mentioned and described in such application, for the purpose therein mentioned. If all the jurors shall not appear, or if any one be disqualified for any reason, said court shall cause a sufficient number of talesmen having the qualifications aforesaid, to be summoned as aforesaid, to make a full jury. No person shall be incompetent to serve as a juror on account merely of such interest as he may have in common with the inhabitants of the city in the result of the proceedings. Any person summoned as a juror may on the demand of any person or persons interested, be sworn and examined touching his competency to act as a juror in the proceedings. And if it appear on such examination to the satisfaction of the court before whom such proceedings are had, that any juror is directly interested in said proceedings, or unduly biased or prejudiced in regard thereto, such juror shall be excused. The jury shall be sworn by the judge of said court, to inquire into and ascertain the necessity for taking and using such property for the purpose expressed in said application, and the just compensation to be made therefor and to appraise the damages occasioned by taking the property, interest or estate therein described in such application for the purpose in said application specified, and in fixing the amount of damages to be appraised the jury shall take into consideration the benefits directly received by the owner or owners of such property by reason of taking such property, interest or estate. They shall proceed to view the premises described, and hear proofs, and within ten days thereafter make a return in writing to said court before whom the proceedings were had, signed by them, of their doings, which shall state their finding in regard to the necessity aforesaid, and the amount of damages awarded, if any, to whom payable, if known; a statement of the time spent by them for that purpose, which return shall be certified by said court under the seal thereof, and forthwith filed in the city clerk's office. Each juror shall be entitled to receive one dollar and fifty cents per day. The judge of the court before whom such proceedings are had, for his services shall receive five dollars per day for such proceedings. The fee of the officer summoning such jury shall be two dollars.

Duty of jury.

Compensation
of officers
and jurors.

Sec. 2. The common council may confirm or disaffirm by resolution the award of the jury, in whole or in part, in any case. In case of disaffirming the same, it shall be lawful for said council to institute new proceedings at any time after the lapse of six months from the date of such award, to appropriate the same property. In case the award of the jury be confirmed by said common council, then in such case, the award shall be final and conclusive. A copy of said proceedings certified by the city clerk under the seal of the city, shall be received as prima facie evidence of said proceedings in all the courts of the State.

Council may
confirm or
disaffirm
award of jury.

Award, how paid.

When paid.

Unknown owners, how award made.

When council authorized to appropriate property.

Jury shall consider separate claims.

Awards agreed upon, not affected by disagreement on other parcels. When new jury empaneled.

Court may appoint juror.

SEC. 3. The damages which shall have been awarded, as hereinbefore provided, or which shall have been contracted to be paid by the common council, and the fees and charges lawfully incurred, shall be allowed by and collected of said city and shall be paid on the order of the council, as other city charges. And the damages shall be paid or tendered to any person or persons in whose favor such award of damages shall be made, if known, before said property, interest or estate therein, shall be appropriated to public use. If any party or parties in whose favor an award of damages shall be made, are unknown or non-residents, it shall be sufficient to make the award of damages to the "unknown owner or owners," or "non-resident owner or owners," of any parcel of land, interest or estate therein taken. And the unknown parties or non-residents shall be entitled to receive the orders, as aforesaid, upon proof to the common council of their ownership of the property so appropriated to public use. When damages or compensation shall have been paid or tendered to the person or persons entitled thereto, or an order on the city treasurer for the amount of such damages shall have been executed and delivered or tendered to said person or persons, if known, and residents of said city, the common council shall have full power and authority to enter upon and appropriate such property to the use for which the same was taken, and for that purpose may employ such assistance as may be necessary.

SEC. 4. The jury shall consider upon each parcel of land described in the application to said court separately; if several persons shall have separate claims upon the same lot or parcel of land as owners, mortgagees, lessees or otherwise, and the same shall be made to appear to said jury, they shall apportion to each such share of the damages or compensation awarded as shall be just; damage and compensation for taking the land of any deceased person or persons may be awarded to his, her or their estate.

SEC. 5. A disagreement of the jury to one or more distinct parcels of land shall not affect the awards or report in which they have agreed, and upon any disagreement, the court before whom the proceedings shall have been instituted, may, upon request of the mayor or city clerk, empanel a new jury in the same manner provided for empaneling the original jury, and like proceedings shall thereupon be had concerning any lands upon which the jury failed to agree; and a new jury may in like manner be had as often as necessary. If any juror during the course of the proceedings shall be unable to discharge his duties, the court before whom the proceedings are had, may appoint another in his place, who shall have the qualifications, and be sworn, and exercise the same duties as the other jurors of the panel, but in such case the proceedings shall begin anew from the empaneling of the jury.

SEC. 6. At the time of making application to the probate court for the empaneling of a jury, and in all subsequent proceedings any infant or incompetent person shall be represented by his or her guardian, appointed under the laws of the State and service of any notice required to be made, may be made on such guardian, and if there should be no guardian, or if no guardian should appear, to represent such infant or incompetent person, the court before proceeding with the matter, shall appoint some disinterested person as guardian ad litem to protect the interest of the person for whom he is appointed in said proceedings.

Incompetent person, how represented.

SEC. 7. The probate court for the county of Genesee shall have jurisdiction in all proceedings taken under the charter of the city of Flint for the appropriation of private property for public use. If, in any case, the judge of said probate court shall be disqualified for any reason from acting in any case, the judge of the circuit court for said county, sitting as the judge of probate thereof, shall perform the duties of such judge of probate unless he be in like manner incapacitated from so acting; in which case the circuit judge of any other county, sitting as judge of probate for said county of Genesee, may perform such duties.

Probate court to have jurisdiction.

When circuit judge may act.

SEC. 8. The judge of probate for said county shall, at the expense of the city of Flint provide a record in which shall be entered at large all proceedings had in said court for the appropriation of property for public use. Such record shall be signed by said judge of probate, and in all cases shall be prima facie proof of the facts therein contained. In addition to the compensation hereinbefore provided, said judge of probate shall receive ten cents per folio for entering the proceedings in said record, to be paid by the city on presentation of the proper vouchers therefor.

Judge of probate to keep record.

Fees for recording.

SEC. 9. In cases brought in said court under provisions of this act, for the appropriation of private property for public use, such cases or proceedings shall be removed to the appellate court only in the manner in this act provided.

Manner of removal to appellate court.

SEC. 10. All proceedings heretofore taken for the appropriation of private property for public purposes are hereby declared valid, and nothing in this act contained shall affect their force or validity.

Previous proceedings valid.

SEC. 11. Nothing herein contained shall be construed to prevent the said city of Flint's proceeding under the general law of the State for the purposes of this chapter.

Act, how construed.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved March 24, 1905.

[No. 421.]

AN ACT to detach certain territory from the townships of Munising and Au Train in the county of Alger, and to organize the township of Grand Island.

The People of the State of Michigan enact:

Township
organized,
territory
included.

SECTION 1. All of fractional sections twenty-six, twenty-seven and twenty-eight of township forty-seven north, of range nineteen west, now forming a part of the township of Munising, and sections six, seven and eighteen of township forty-seven north, of range eighteen west, and sections one, two, three, four, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty-one, twenty-two, twenty-three and twenty-four of township forty-seven north, of range nineteen west, and sections fourteen, fifteen, sixteen, seventeen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six of township forty-eight north, of range nineteen west, and section one of township forty-seven north, of range twenty west, and section thirty-six of township forty-eight north, of range twenty west, including herein all of Grand Island, Wood Island and Williams Island in Lake Superior, now forming a part of said township of Au Train, are hereby detached from the said townships of Munising and Au Train respectively, and organized into a separate township to be known as the township of Grand Island.

First meeting,
when and
where held.

First in-
spectors.

General laws
to govern.

SEC. 2. The first annual meeting of the said township of Grand Island shall be held at the schoolhouse at Powell's Point in said township on the third day of April, nineteen hundred five, and Alfred O. Jopling, Aaron Powell and James A. Mitchell and James J. Murray are hereby made and constituted a board of inspectors of the said township election; and at such township election the qualified voters shall elect by ballot persons residing in the said township to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.

Provisions as
to time of
holding first
meeting

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time specified for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least five days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in the said township, which notice shall be given by the said board of inspectors of election or a majority of them.

When electors
may choose
inspectors.

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of the said township, who shall be present

at the time designated for opening the polls of the said election, to choose from the electors present suitable persons to act as inspectors of the said election in place of the inspectors who shall neglect or be unable to attend the meeting.

SEC. 5. The aforesaid Alfred O. Jopling, Aaron Powell and James A. Mitchell and James J. Murray, or a majority of them, shall constitute a board or registration, with the like powers and duties of township boards of registration in other cases, and the holding of the session of the said board of registration shall be at the said schoolhouse at Powell's Point on the Saturday preceding said election, notice of which shall be given, by the said board of registration, in the same manner and for the same time as provided in section three of this act.

Board of
registration,
who to con-
stitute.

Session of,
when and
where held.

This act is ordered to take immediate effect.

Approved March 24, 1905.

[No. 422.]

AN ACT to authorize the city of Saint Clair, in the county of Saint Clair and State of Michigan, to grant to any person or persons or to any duly authorized corporation a franchise for the supplying to the city or the inhabitants thereof, or both, gas or electricity, or both, for illuminating or other purposes for the period of thirty years.

The People of the State of Michigan enact:

SECTION 1. The common council of the city of Saint Clair may grant a franchise for any period of time not exceeding thirty years, by a majority vote of all the aldermen elect, for the use or occupancy of any of the streets, alleys, wharves and public grounds, to any person or persons or to any duly authorized corporation, for the supplying of said city or the inhabitants thereof, or both, with gas or electricity, or both, for illuminating or other purposes, upon such terms and conditions as may be agreed upon; and may grant to such person, persons or corporation the right to the use of the streets, alleys, wharves and public grounds of said city, as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such gas or electricity, or both, upon such terms and conditions as shall be specified in said franchise: Provided, however, That nothing herein contained shall in any case authorize the common council of said city to contract for the lighting of the streets or public buildings of said city for a longer period than ten years.

Council may
grant franchise
for use of
streets for
lighting.

Proviso, as to
term of years.

This act is ordered to take immediate effect.

Approved March 25, 1905.

[No. 423.]

AN ACT to authorize the city of Marine City, in the county of Saint Clair and State of Michigan, to grant to any person or persons or to any duly authorized corporation, a franchise for the supplying to the city or the inhabitants thereof, or both, gas or electricity, or both, for illuminating or other purposes for the period of thirty years.

The People of the State of Michigan enact:

Council may grant franchise for use of streets for lighting.

SECTION 1. The common council of the city of Marine City may grant a franchise for any period of time not exceeding thirty years, by a majority vote of all the aldermen elect, for the use or occupancy of any of the streets, alleys, wharves and public grounds to any person or persons, or to any duly authorized corporation, for the supplying of said city, or the inhabitants thereof, or both, with gas or electricity, or both, for illuminating or other purposes, upon such terms or conditions as may be agreed upon; and may grant to such person, persons or corporation the right to the use of the streets, alleys, wharves and public grounds of said city, as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such gas or electricity or both, upon such terms and conditions as shall be specified in said franchise: Provided, however, That nothing herein contained shall in any case authorize the common council of said city to contract for the lighting of the streets or public buildings of said city for a longer period than ten years.

Proviso, as to term of years.

This act is ordered to take immediate effect.

Approved March 25, 1905.

[No. 424.]

AN ACT to legalize the election of Emory J. Wood as a justice of the peace of the city of Jackson, to hold said office four years from and including the fourth day of July, nineteen hundred four, and also to validate all official acts heretofore performed by said justice, since the fourth day of July, nineteen hundred four.

The People of the State of Michigan enact:

Election of, legalized.

SECTION 1. The action of the electors of the city of Jackson, at the annual charter election of said city held on the fourth day of April, nineteen hundred four, by which Emory

J. Wood received a majority of all the votes cast at said election for justice of the peace, to hold said office for four years from and including the fourth day of July, nineteen hundred four, is hereby declared to be a legal and valid election of the said Emory J. Wood to said office for said term; and all the official acts heretofore done and performed by the said Emory J. Wood, acting as such justice of the peace since the fourth day of July, nineteen hundred four, are hereby declared to be legal and valid in all respects, and to the same extent, as if no doubt had arisen as to the validity of the election of said justice of the peace under the provisions of the revised charter of said city, enacted in the year nineteen hundred three.

Official acts
declared
valid.

This act is ordered to take immediate effect.

Approved March 28, 1905.

[No. 425.]

AN ACT to provide for counting and canvassing the votes cast at elections in the city of Detroit by a central counting board; to regulate and protect such count and canvass and to punish offenses committed thereat; and to repeal all acts and parts of acts in conflict herewith.

The People of the State of Michigan enact:

SECTION 1. At two o'clock in the afternoon on the day for holding any election in the city of Detroit, the members of the boards of inspectors of election in the several election districts of said city, shall securely lock and seal the ballot boxes containing the ballots cast up to that time, except the boxes containing the ballots cast on a proposed constitutional amendment or other question submitted to the electors for popular vote, in the manner prescribed by law, and deliver them to the police department with the poll book containing the names of the electors having voted at that time; and the keys to said boxes shall be returned to the city clerk at once by a member of each of said respective boards; and upon the close of the polls on said day the ballot boxes containing the ballots cast after two o'clock, and the boxes containing the ballots cast on any proposed constitutional amendment, or other question submitted to the electors for popular vote cast during the entire day, shall be locked and sealed in like manner, and, with the unused ballots and the poll book containing the names of the electors having voted after two o'clock, delivered to the police department. The registration books and keys to the ballot boxes, with the seal, shall be returned to the city clerk by the board or a member thereof.

Ballots delivered to police department at certain time.

Exceptions.

Keys to be returned to city clerk. When remaining ballots to be delivered.

Books, keys, etc., returned to clerk.

Duty of police during count.

Central counting board, who to constitute.

Who to act in case of vacancies.

When canvasser disqualified.

How vacancy filled.

Secretary, who shall act as.

When board to organize.

Appointment of clerks.

Proviso.

Ballot boxes, when opened, etc.

The said police department, to whom the boxes containing the ballots cast have been delivered, shall immediately upon receiving each and every said ballot box, convey the same to some safe and convenient place or places in the city of Detroit which shall be provided by the central counting board, hereinafter provided for, and shall by them be safely guarded until the ballots therein have been counted and returned to the boxes, as herein provided, and the said police department shall continually guard said boxes until the count is completed. The board of county canvassers, together with the board of city canvassers, and the corporation counsel and the controller of the city of Detroit, shall constitute a central counting board for the purpose of counting all votes cast in the city of Detroit at each election for all offices, and for and against any proposed constitutional amendment or other proposition submitted to the electors for popular vote. In case said corporation counsel is unable to act, one of his assistants shall be designated by him to act in his place. In case said controller is unable to act, the deputy controller shall act in his place. In case any member of either of said boards of canvassers is a candidate on the ticket at such election, he shall be disqualified from acting in the count and canvass of the votes of that election, and if a vacancy occur, either by reason of such disqualification, or by reason of physical incapacity, then the remaining member or members of said board of city canvassers, together with the controller or deputy controller, and the corporation counsel, or his assistant, shall forthwith fill such vacancy by the selection of some elector of the city of Detroit to act as a member of said central counting board. The city clerk of the city of Detroit, or, in his absence, the deputy city clerk of the city of Detroit, shall act as secretary of said central counting board. Such central counting board shall meet at the office of the city clerk of Detroit on the fourteenth day, or as soon thereafter as possible, before the day of any election, at two o'clock in the afternoon and forthwith organize by electing one of their number chairman, and shall then proceed to appoint from the qualified electors of the city of Detroit, other than members of the district boards of registration and election, a sufficient number of persons, not to exceed three hundred, whom they deem to be qualified to perform the duties of clerks of said board: Provided, That at least one of said clerks be taken and appointed from each election district of the city of Detroit. Said board may at any time dispense with the services of any persons so appointed and appoint others. Each of the members of the said central counting board, and each of the said clerks, shall, before entering upon his duties, take the constitutional oath of office.

SEC. 2. At two o'clock in the afternoon of said election day, or as soon thereafter as possible, the ballot boxes delivered to said central counting board shall be opened and

the whole number in each box counted by the clerks to whom they are respectively assigned before they are unfolded. If the ballots shall be in excess of the number of electors voting according to the poll list, they shall be replaced in the box from which they were taken and one of the members of said central counting board shall publicly draw out and destroy so many ballots therefrom, unopened, as shall be equal to such excess. The said clerks shall then proceed to unfold and count the ballots taken from said boxes. They shall first select and count the straight tickets and give the number of such tickets to each candidate voted for on such ticket, all other tickets shall be laid on the table and counted in regular order in such subdivisions thereof as may be convenient for a prompt and careful determination of the result of such election, and as may be determined by such central counting board. In the canvass of the votes any ballot which is not endorsed with the initials of the inspector, in case the law requires such ballots to be so initialed, and any ballot which shall bear any distinguishing mark or mutilation, shall be void and shall not be counted, and any ballot, or part of a ballot, from which it is impossible to determine the elector's choice of candidates, shall be void as to the candidate or candidates thereby affected: Provided, however, That all such ballots shall be preserved, marked by the inspector "not counted" and kept separate from the others by being tied or held in one package by a rubber band or otherwise.

How excess
ballots de-
stroyed.

Ballots,
manner of
counting.

Proviso.

SEC. 3. After all the ballots in any ballot box are counted, the said clerk shall, on the tally sheets upon which they have kept the record of the votes cast for each candidate or person on the ticket, carry out in ink, in figures, on the tally sheets the total number of votes received by each candidate and for and against each proposition voted upon, and shall sign and certify the same stating therein that it is a correct statement of the votes cast in that election district for the several candidates voted for, and of the votes cast for and against any proposition submitted to the electors for popular vote. They shall then return the ballots to the ballot boxes from which they were taken, together with one of said tally sheets, and the said central counting board shall securely lock and seal said boxes and deliver them, with the poll books, to the police department of the city of Detroit, and shall then deliver the keys to the city clerk. Said central counting board shall thereupon publicly announce the number of votes cast in that district for the several candidates and for and against the several propositions submitted as the same appears on said tally sheet. The counting and sorting of the ballots by the clerks and the counting and tallying of the votes cast for each candidate thereon, and all duties herein required of said clerks shall be under the supervision and direction of said counting board, and the said board shall decide upon the legality of any ballot which is called in question.

Clerk to pre-
pare and cer-
tify state-
ment of votes.

Ballots, etc.,
to be delivered
to police de-
partment.

Counting
board to pub-
licly announce
result.

To supervise
counting, etc.,
of ballots.

Challengers, each political party to designate.	SEC. 4. Each of the political parties shall have the right to designate and keep not exceeding one challenger at each table where the ballots in any ballot box are being counted, so placed that they will be enabled to see the ballots as the names of the persons voted for are called by the clerk calling the votes. They shall have the right to inspect the poll books and the tally sheets kept by the tally clerks. They shall be protected in the discharge of such duty by said central counting board and the police. Authority signed by the recognized chairman or presiding officer of the city committee of a party shall be sufficient evidence of the right of such challengers to be present. The chairman appointing any challenger may, in his discretion, remove him and appoint another.
Rights of.	
Evidence of authority to act.	
How re- moved.	
Compensation of members and clerks.	SEC. 5. Such members of said central counting board as are not salaried officials of the city of Detroit, or of the county of Wayne, and the clerks appointed by said board as herein provided, shall each receive from the city of Detroit, compensation for his services at the rate of four dollars per day of eight hours, but in no case shall the clerks employed in counting the ballots receive a greater sum than eight dol-
How paid.	lars, which compensation shall be paid by the city treasurer of the city of Detroit upon a certificate of the said board signed by its chairman and secretary, but in no case shall such certificate be issued to any clerk until he shall have completed his services to the satisfaction of the board.
Canvassing board to be furnished tally sheets.	SEC. 6. The said central counting board shall immediately upon completing the count turn over to each of the respective canvassing boards one of the tally sheets containing the count of the ballots in each election district.
Felony, what deemed a.	SEC. 7. Any person who shall knowingly violate any of the provisions of this act, or shall wilfully neglect or refuse to perform any of the duties enjoined upon him hereby, or shall make or assist in making any false returns of the votes cast for the several candidates upon the ballots counted, or upon the propositions submitted, either in tallying the said votes or in calling off the names of the persons voted for on the several ballots, or in making the computation of the total number of votes received in any election district for any such candidate, or for or against any proposition voted upon by the electors, or shall commit or aid in the committing of any fraud at such count and canvass of the votes, or who shall in any way obstruct, or attempt to obstruct any person in the exercise of his duties in the counting and canvassing of the votes as provided in this act, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine not exceeding one thousand dollars and not less than one hundred dollars, or by imprisonment in the state prison not exceeding two years, or by both such fine and imprisonment in the discretion of the court.
Penalty.	

SEC. 8. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved March 28, 1905.

[No. 426.]

AN ACT to provide for the re-survey and a re-platting of the village of Decatur and the additions thereto and the subdivisions thereof, and to establish such new plat as the legal plat of the said village of Decatur.

The People of the State of Michigan enact:

SECTION 1. The council of the village of Decatur is hereby authorized to order and cause a re-survey to be made of the village of Decatur or any part thereof, and of all streets, alleys, lanes and public grounds therein, when it shall deem such re-survey necessary, and to re-number the lots and blocks and to rename the additions and subdivisions of the village of Decatur and to order and to cause the same to be replatted: Provided, That the vested rights of any person or persons shall not thereby be diminished nor in any manner affected. Council authorized to cause re-survey.
Re-number lots and blocks.
Provide

SEC. 2. Such plat and plats of the village of Decatur may be made to include in one plat the whole of the village of Decatur, whether heretofore platted or unplatted, including the several additions thereto and the several subdivisions thereof. Whole village may be included in one plat.

SEC. 3. Said plat and plats, when so made, shall be adopted and approved by the council of said village of Decatur, and when so adopted and approved, said map or plat shall be filed in the office of the village recorder of said village of Decatur, and a copy thereof shall be recorded in the office of the register of deeds of the county of Van Buren and filed in the office of the county treasurer of the county of Van Buren and filed in the office of the auditor general of the State of Michigan: Provided, however, That for convenience in such recording and filing, said map or plat may be divided into parts. Council to approve plats.
Where filed and recorded.
Provide.

SEC. 4. After the adoption and approval of said map or plat by the council of said village of Decatur, it shall stand in lieu of all other plats of the territory included in such new plat and shall be the authenticated and legal map of said village of Decatur, and shall be used by the assessing officers of the village of Decatur and by the supervisor of the township of Decatur in making all assessments and in levying taxes and shall be admitted in evidence in all courts without fur- New plat, to be legal map.
Used by assessing officers, evidence etc.

Proviso, as to conveyances, etc.

Further proviso.

Council to cause four copies to be made with descriptions of lands, etc.

Bound in book form.
Where filed.

Who to certify to.

How expenses paid.

ther proof than the proof of its adoption by the council of the village of Decatur, or of its recording in the office of the register of deeds, if a copy be offered: Provided, however, That nothing in this act contained, shall render invalid or in anywise affect any conveyance or assessment of taxes which has been heretofore or may hereafter be made according to the description of lands as contained in the present plats of the village of Decatur and the additions thereto and the subdivisions thereof: And provided further, That all proceedings for the collection of taxes levied and assessed prior to the adoption of any plat herein provided shall be according to descriptions and plats heretofore existing.

SEC. 5. After said maps and plat shall have been adopted, approved, recorded and filed as provided in this act, the council of said village of Decatur shall cause to be made at least four copies of all descriptions of the lots, pieces and parcels of land in the said village of Decatur, as shown in the last preceding assessment roll of said village and shall cause to be placed opposite each of said descriptions of land the corresponding descriptions of said lot, piece or parcel of land, as shown by said map or plat provided for in this act. Said copies shall be securely bound in book form. One copy of said book shall be filed in the office of the village assessor of said village of Decatur, and one copy in office of village treasurer of said village of Decatur and one copy in the office of the county treasurer of the county of Van Buren, and one copy in the office of the auditor general of the State of Michigan. The village assessor of said village shall attach to each of said copies his certificate that the same is a true and compared copy.

SEC. 6. The necessary expenses of carrying into effect the provisions of this act shall be audited and paid in the same manner as other expenses of said village are audited and paid.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 427.]

AN ACT to authorize the township of South Haven in the county of Van Buren and State of Michigan to borrow money and issue its bonds therefor for the purpose of building and repairing bridges across the north and south branches of Black river and Deerlick creek in said township and to provide a tax for the payment of said bonds and the interest thereon.

The People of the State of Michigan enact:

Township board may issue bonds.

SECTION 1. The township board of the township of South Haven in the county of Van Buren and State of Michigan, is

hereby authorized and empowered to borrow a sum of money not exceeding two per centum of the assessed valuation of said township, on the faith and credit of said township, and to issue its bonds therefor, payable at such times and in such manner as the township board of said township shall direct, and bearing a rate of interest not exceeding five per centum per annum, payable annually, which money shall be expended for the building and repairing of bridges across the north and south branches of Black river and Deerlick creek in said township.

Rate of
interest.
Money, how
expended.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said township, voting at a special township meeting in said township called or ordered by the township board of said township at any time after the taking effect of this act, shall vote in favor of said proposition; and the township board is hereby authorized and empowered to submit the question of said loan to the qualified electors of the said township at such special township meeting by causing the date, place of voting and object of said election to be stated in printed or written notices posted in at least five public places in said township and not less than twelve days prior to said election, which notices shall state the amount of money proposed to be borrowed.

When money
may be
borrowed.

Question,
submitted to
electors.

Notices.

SEC. 3. The proposition of issuing the said bonds provided for in section one of this act shall be submitted to the electors by ballot, which ballot shall be written or printed or partly written and partly printed and of the following form:

Vote by
ballot.

For issuing township bonds—Yes. []

For issuing township bonds—No. []

Form.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 428.]

AN ACT to create an additional voting precinct in Cedarville township, in Menominee county.

The People of the State of Michigan enact:

SECTION 1. That the following described territory now embraced in the township of Cedarville, in the county of Menominee, to-wit: Townships thirty-six and thirty-seven north of range twenty-five west, shall constitute and be denominated as election precinct number two of said township.

Precinct two,
territory
included.

SEC. 2. Five days' notice of said election precinct number two shall be given by the township board of said township,

Notice of
election.

by posting written or printed notices of the same in three public places within said described precinct, previous to holding the first election therein.

Place of election.

SEC. 3. All qualified electors residing in election precinct number two as herein defined, shall cast their ballots on the first election therein at the schoolhouse in school district number five of said township.

New registration.

SEC. 4. There shall be a new registration of all qualified electors residing within the territory of said precinct, previous to the first election held therein. The township board of the township shall provide at the expense of said township a suitable register for such registration, in which shall be registered the names of the qualified electors residing in precinct number two, in the manner provided by law.

Register, board to provide.

Board of registration, who to act as.

SEC. 5. The township board of said township shall act as a board of registration in said precinct number two.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 429.]

AN ACT to incorporate the city of Coleman, in the county of Midland, as a city of the fourth class, and to repeal all acts or parts of acts relative to the incorporation of the village of Coleman.

The People of the State of Michigan enact:

Territory included.

SECTION 1. The territory in the county of Midland and State of Michigan, described as follows, to-wit: The south-east quarter of section nineteen; the south-west quarter of section twenty; the north-west quarter of section twenty-nine; and the north-east quarter of section thirty, all in township sixteen north of range two west, is hereby detached from the township of Warren, and the said territory so detached is hereby incorporated, made, constituted and organized into a city, to be known as the city of Coleman.

Divis. on into wards.

SEC. 2. The said city shall be divided into three wards, as follows:

First.

The first ward shall embrace that portion of said city described as follows: Commencing at the north-east corner of the south-east quarter of section nineteen; thence south along the Gladwin road eighty rods to Sixth street; thence southerly along said Sixth street to Adams street; thence easterly along said Adams street to Fifth street; thence southerly along said Fifth street to the end of said Fifth street; thence west to the intersection of the eighth-lines of the north-east quarter of section thirty; thence south eighty rods; thence

west eighty rods to the centre of section thirty; thence north one mile to the centre of section nineteen; thence east one-half mile to place of beginning.

The second ward shall embrace that portion of said city ^{Second} described as follows: Commencing at the north-west corner of the south-west quarter of section twenty; thence south along the Gladwin road eighty rods to Sixth street; thence southerly along said Sixth street to Adams street; thence easterly along said Adams street to Fifth street; thence southerly along said Fifth street to the end of said Fifth street; thence west to the intersection of the eighth-lines of the north-east quarter of section thirty; thence south eighty rods; thence east eighty rods to section line road between sections twenty-nine and thirty; thence north along said section line road to the intersection of Third and Jackson streets; thence northerly along said Third street to Webster street; thence westerly along said Webster street to Fourth street; thence northerly along said Fourth street to Washington street; thence easterly along said Washington street to Second street; thence northerly along said Second street to the north and south eighth-line of the south-west quarter of section twenty; thence north along said eighth-line to the east and west quarter-line of section twenty; thence west eighty rods to place of beginning.

The third ward shall embrace that portion of said city de- ^{Third.} scribed as follows: Commencing at the centre of section twenty; thence west eighty rods; thence south along the north and south eighth-line of the south-west quarter of section twenty to Second street; thence southerly along said Second street to Washington street; thence westerly along said Washington street to Fourth street; thence southerly along said Fourth street to Webster street; thence easterly along said Webster street to Third street; thence southerly along said Third street to the intersection of Third and Jackson streets; thence south along the section line road between sections twenty-nine and thirty to the south-west corner of the north-west quarter of section twenty-nine; thence east one-half mile to the centre of section twenty-nine; thence north one mile to place of beginning.

SEC. 3. The said city of Coleman shall, in all things not herein otherwise provided, be governed, and its powers and duties defined and limited, by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of Michigan of eighteen hundred ninety-five, approved May twenty-seventh, eighteen hundred ninety-five, and all acts amendatory thereto, which said act, as the same is now or hereafter may be amended, is hereby made and constituted a part of the charter of the said city of Coleman. ^{Certain act to govern.}

SEC. 4. For the purpose of holding the first election in ^{First commissioners.} said city, David B. Menerey, George Buck, and James E. Cur-

Duty of.	tice are hereby designated as commissioners whose duty it shall be immediately after the passage of this act, to call a special election for said city of Coleman, and shall give notice by hand bills posted in four of the most public places in each ward, and by publication in the newspaper of said city, of the time and place in each ward of holding said election, and of the city and ward officers to be elected, and of the time and place in each ward where the inspectors of election will meet to make a registration of the electors of the new city corporation. Said notice of election shall be published not less than three days previous to said election, and said notice of registration shall be given not less than two days before the date of said registration. Said commissioners shall procure books of registration of the form required by law for each ward, and deliver the same to the election inspectors of the respective wards. No elector shall be entitled to vote until he shall have first been registered in the ward where he resides, and said commissioners shall receive and canvass the votes of the several wards as returned by the inspectors, and shall determine the results and shall issue certificates of election to each of the successful candidates, and shall perform such other duties as are provided in an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of Michigan of eighteen hundred ninety-five, as amended, and all acts amendatory thereto.
Notice of election, how given.	
To procure books of registration.	
To canvass votes, and issue certificates of election.	
Inspectors of election.	SEC. 5. David B. Menerey, Charles H. Niggeman, Frank H. Gibbs and Walter Simons shall act as inspectors for the first election in the first ward in said city; Edwin Dawe, George Buck, Joseph M. Doherty and Edwin R. Simons shall act as inspectors for the first election in the second ward; James E. Curtice, Chapin Lovejoy, William Tower and John Koontz shall act as inspectors for the first election in the third ward.
Mayor and aldermen to serve without compensation.	SEC. 6. The mayor and aldermen of said city shall serve without compensation.
Rights and liabilities, how adjusted.	SEC. 7. The rights and liabilities as between the city of Coleman and the township of Warren shall be adjusted according to the provisions of act number thirty-eight of the public acts of eighteen hundred eighty-three, entitled, "An act to provide for adjustment of rights and liabilities on division of territory of cities and townships," and any liability accruing to the city of Coleman, by reason of the detachment of the territory from said township of Warren, shall be paid from a tax levied only upon that territory in the city by reason of whose detachment the liability was incurred.
Liability paid by tax.	
Incorporation not to affect certain school district.	SEC. 8. The incorporation of said city of Coleman, shall in no way change or affect the boundaries of school district number one of Warren township, and no change shall be made in the manner or time of electing its district officers, or in the management or control of said district, except that the taxes voted for school purposes in said district shall be appor-
School taxes, when apportioned.	

tioned at or before the time of meeting of the board of supervisors of Midland county in annual session in October in each year, by the supervisor of the township of Warren, and the supervisors of the three wards of the city of Coleman.

SEC. 9. The city of Coleman shall comprise three assessment districts, and the assessment of property and spreading of taxes shall be made in each ward by the supervisor of each respective ward, who shall be elected at the regular city election held each year, and who shall hold office for a term of one year or until his successor is elected and qualified who shall be members of the board of supervisors of the county of Midland, but no other officers of said city shall be members of said board of supervisors.

City assessment, how made.

Supervisor, when elected, etc.

SEC. 10. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 430.]

AN ACT to make the president of the village of Luther, Lake county, Michigan, a member of the board of supervisors of said county.

The People of the State of Michigan enact:

SECTION 1. The president of the village of Luther, Lake county, Michigan, shall be a member of the board of supervisors of Lake county, Michigan, with like compensation, duties and powers as are conferred by statute upon supervisors of townships while acting on the board of supervisors.

President to be member of board of supervisors.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 431.]

AN ACT to reinvest the supervisors of the county of Keweenaw with power to divide or alter in its bounds any township or erect a new township within said county and all territory attached thereto.

The People of the State of Michigan enact:

SECTION 1. The board of supervisors of the county of Keweenaw, Michigan, shall have power, within said county, and all territory attached thereto, by a majority of all the members elected to said board, to divide or alter in its bounds any

Supervisors may divide or alter boundaries of any township, etc.

Certain law to govern. township or erect a new township, and for that purpose are hereby reinvested with all the powers and duties granted to and imposed upon the several boards of supervisors in this State, with relation to the division, alteration and erection of townships, by and under the provisions of chapter eighty-five of the compiled laws of the State of Michigan for the year eighteen hundred ninety-seven, and the amendments thereto.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 432.]

AN ACT to authorize the township board of the township of Breitung, in the county of Dickinson, to establish, equip and maintain a fire department in said township; to provide a water supply for said department; to borrow money for the purpose of establishing and equipping said fire department and to issue the negotiable bonds of said township therefor, and to appropriate certain moneys to maintain said fire department and water supply.

The People of the State of Michigan enact:

May establish fire department. SECTION 1. The township board of the township of Breitung, in the county of Dickinson, is hereby authorized to establish, maintain and equip a fire department in said township, and to that end, to purchase and provide suitable apparatus for the extinguishment of fires; to provide and erect all necessary buildings; to organize and maintain fire companies; to appoint and employ firemen, and to establish rules and regulations for the government of said department and for the care and management of all property pertaining thereto.

Erect buildings. Employ firemen, make rules, etc. SEC. 2. Said board may provide a convenient water supply for said department, and for that purpose may construct and maintain wells, cisterns, reservoirs and water works, and lay and maintain water pipe, in the streets, alleys, public grounds, and other suitable places in said township.

May supply water for domestic purposes. SEC. 3. Said board may, in such manner and under such rules and regulations as it may adopt, permit the inhabitants of said township to take water for domestic purposes from the water supply that may be provided as above mentioned.

May issue bonds. SEC. 4. For the purpose of constructing such buildings, cisterns, reservoirs and water works, purchasing and laying water pipe, and providing apparatus and water supply, as aforesaid, said board may borrow not to exceed the sum of six thousand dollars for and on behalf of said township, and issue the negotiable bond or bonds of said township therefor.

Amount. When payable. Such bonds to be in such denominations, and payable at such time or times, not more than ten years from the date of issue,

and bear such interest, not exceeding six per cent, as said board may fix. Rate of interest.

Sec. 5. Said bonds shall be paid by tax on the taxable property of said township, to be called "fire tax." Said tax shall be voted or ordered by said board, and levied, in such installments or otherwise, as said board may from time to time determine, and shall be levied and collected at the same time or times and in the same manner as other general taxes. Bonds paid by tax. How levied, etc.

Sec. 6. To maintain said fire department and the property pertaining thereto in the manner authorized by this act, said board may from time to time appropriate such moneys as it may deem necessary from the contingent fund of said township. May appropriate moneys from contingent fund.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 433.]

AN ACT to authorize the prosecuting attorney of the county of Delta, State of Michigan, to appoint an assistant prosecuting attorney for said county, and prescribing his duties, powers and compensation.

The People of the State of Michigan enact:

SECTION 1. The prosecuting attorney of the county of Delta is hereby authorized and empowered to appoint an assistant prosecuting attorney for the county of Delta, and he may revoke such appointment at pleasure. Prosecutor may appoint deputy.

SEC. 2. Such appointment and the revocation thereof, shall be in writing under the hand of the prosecuting attorney, and shall be filed in the office of the clerk of said county; the person so appointed before entering upon the duties of such office shall take the oath prescribed by the constitution of the State, and file the same together with his acceptance with the county clerk of said county. Appointment to be in writing. Oath and acceptance.

SEC. 3. The said assistant prosecuting attorney shall have full power and authority to appear for and in behalf of the people of the State in all criminal and other matters, to the same extent as the prosecuting attorney of said county, when required of him by the prosecuting attorney. Power and authority.

SEC. 4. The said assistant prosecuting attorney shall receive such pay as shall be agreed upon between himself and the prosecuting attorney, the same to be paid out of the salary of the prosecuting attorney. Salary.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 434.]

AN ACT to amend section four of chapter twenty-six of local act number three hundred thirty-three of eighteen hundred eighty-nine, approved March thirteen, eighteen hundred eighty-nine, entitled "An act to incorporate the city of Cheboygan, and to repeal an act entitled 'An act to reincorporate the village of Cheboygan, in the county of Cheboygan,' approved March twenty-seven, eighteen hundred seventy-seven."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section four of chapter twenty-six of act number three hundred thirty-three, local acts of eighteen hundred eighty-nine, approved March thirteen, eighteen hundred eighty-nine, entitled "An act to incorporate the city of Cheboygan, and to repeal an act entitled 'An act to reincorporate the village of Cheboygan, in the county of Cheboygan,' approved March twenty-seven, eighteen hundred seventy-seven," is hereby amended to read as follows:

Board of
education,
to appoint
teachers, etc.,
determine
salaries, etc.
Prescribe
books.

SEC. 4. The board of education shall appoint and employ a superintendent and the teachers and instructors for the public schools, and determine their salaries and define their duties. They shall prescribe the courses of study to be pursued, the books to be used, classify the pupils as they may deem expedient, and provide the necessary apparatus and facilities for instruction, determine the rates of charges for instruction to pupils not residents of the city, make all regulations necessary or required for the examination of teachers, determine the length of time the school shall be taught each year, adopt rules for the regulation and government of the schools, and do whatever may be required to advance the interests of education: It is Provided, however, That in the matter of making changes in textbooks to be used in such schools, the board shall be governed by the provisions of the general school law of this State relating thereto.

Make regula-
tions for ex-
aminations of
teachers, etc.

Adopt rules.

Proviso.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 435.]

AN ACT to authorize the townships of Forest Home and Kearney, in the county of Antrim, to establish and maintain a union public library in the village of Bellaire.

The People of the State of Michigan enact:

SECTION 1. The township boards of school inspectors of the townships of Forest Home and Kearney, in the county of Antrim, may, for the purposes of this act, hold joint meetings in either of said townships, upon notice to the members of each board, as required by law for meetings of township boards of school inspectors for other purposes. Board of school inspectors may hold joint meetings.

SEC. 2. Said township boards of school inspectors shall have power, by a majority vote of the members of each board, to establish and maintain a public library and reading room for the use and benefit of the inhabitants of both of said townships, and may employ a librarian and make all other provisions for the care and maintenance of such library as from time to time shall seem necessary. May establish and maintain public library.

SEC. 3. The said township boards of school inspectors may, from time to time, place in such library any books belonging to or purchased for the separate township libraries of said townships, and allow the same to be used by the inhabitants of both townships indiscriminately; but the title and right of control of all such separate township library books shall at all times remain in the township originally purchasing such books. May place books from both townships. Title to books.

SEC. 4. The cost and expense of establishing and maintaining such library shall be borne by said townships in the ratio of their equalized assessed valuations in each year. Expense of library, how paid.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 436.]

AN ACT to authorize and empower school district number two, fractional, of the township of Blissfield, Lenawee county, to borrow a sum of money not exceeding twenty-five thousand dollars, in excess of the maximum amount now allowed by law, for the purpose of purchasing a schoolhouse site, building a schoolhouse and equipping and furnishing the same.

The People of the State of Michigan enact:

SECTION 1. School district number two, fractional, of the township of Blissfield, in Lenawee county, may, by a two- District may borrow money

Rate of interest.	thirds vote of the qualified electors of said school district at any annual meeting, or at any special meeting called for that purpose, borrow money and issue its bonds therefor, interest not to exceed five per cent, in a sum not exceeding twenty-five thousand dollars in excess of the maximum amount now
Money, how used.	allowed by law, for the purpose of purchasing a schoolhouse site, building a schoolhouse and equipping and furnishing the
Proviso.	same: Provided, That the time for the payment of any bonds issued by virtue of this act shall not be extended beyond the term of twenty years.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 437.]

AN ACT to amend sections eleven and twenty-six of chapter eleven of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three.

The People of the State of Michigan enact:

Sections amended.

SECTION 1. Sections eleven and twenty-six of chapter eleven of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, are hereby amended to read as follows:

Council may authorize controller to borrow money to cover appropriations

SEC. 11. The common council shall not have authority, except as herein specially provided, to borrow any sums of money whatsoever on the credit of the corporation, but may authorize the controller to borrow from time to time, on such credit, such sums as may be necessary to meet the expenditures under the appropriations for the current fiscal year; and the common council may authorize the commissioner of public works and the commissioner of parks and boulevards to enter into contracts for, and commence public works in their respective departments at any time after the estimates for the ensuing fiscal year have been approved; and in order to enable the said commissioners respectively to commence the public works in their departments respectively, before the commencement of said fiscal year, the common council may authorize the controller to borrow from time to time, on such credit, such sums as may be necessary to meet the expenditures in said departments thereby incurred prior to the beginning of said fiscal year; and the sums so borrowed shall be paid as soon as practical out of the moneys raised and collected for said departments respectively.

How paid.

SEC. 26. The moneys belonging to the several funds of the corporation and all moneys and taxes raised, received or appropriated for the purposes thereof, shall be applied to the purposes for which said funds are respectively constituted as above and for which said taxes and moneys are raised, received or appropriated: Moneys in several funds, how used. Provided, however, That if for any cause there shall be a surplus in any item in any fund, other than the sinking fund, over and above the actual amount expended for any work for which the moneys of any fund or item thereof was specifically raised, such surplus may, on a vote of two-thirds of the common council elect, be transferred, credited and used to supplement any other item or purpose in the same fund for which a sufficient sum has not been estimated, levied or collected, or may, in like manner, be set apart for the contingent expenses of the department for which said fund is constituted; and any moneys received from any source, other than by taxation, may be credited to such fund as the common council may direct, and may by a two-thirds vote of said common council be used for any public purpose to supplement any item or items in any fund for which a sufficient sum has not been estimated, levied or collected. Proviso, as to transfer of surplus.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 438.]

AN ACT to amend section six of chapter eleven of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, as amended by act number four hundred seventy of the local acts of eighteen hundred eighty-nine, as approved July one, eighteen hundred eighty-nine.

The People of the State of Michigan enact:

SECTION 1. Section six of chapter eleven of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, as amended by an act approved July one, eighteen hundred eighty-nine, is hereby amended so as to read as follows: Section amended.

SEC. 6. The proceeds of each special assessment levied for the grading or paving of any street or alley shall become part of the street paving fund, and be credited therein to the account of the specific improvement for which the assessment was made: Provided, That the common council shall not, in any one year, enter into contracts for the grading and pav- Special assessment, proceeds of, where credited. Proviso, as to limit of expenditures.

ing of streets, alleys and public places, the cost of which will exceed in the aggregate three hundred thousand dollars, except upon the petition of the holders of the larger portion of the real estate directly abutting upon the portions of the street or alley proposed to be improved.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 439.]

AN ACT to amend section forty-three of chapter seven of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three.

The People of the State of Michigan enact:

Section amended.

SECTION 1. Section forty-three of chapter seven of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, is hereby amended so as to read as follows:

Cellars, drains, etc., council may regulate construction, etc., of.

SEC. 43. The said council may direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or cause the same to be done by some officer of the corporation and assess the expense thereof on the lot or premises having such cellars, slips, barn, private drain, sink or privies thereon, which assessment shall be a lien on such lot or premises and be collected in the same manner as other assessments imposed by authority of the common council. It may also direct and regulate the construction of lateral sewers or drains for the purpose of more effectually draining all lots, or cellars, yards and sinks within the limits of said city, whenever in their opinion the same shall be necessary. Such lateral sewers or drains shall be laid or constructed through any of the streets or alleys adjoining or in front of the premises through which sewers or drains shall be ordered constructed, and assess the expenses thereof on such lots or premises benefited thereby, which assessment shall be a lien upon such lots or premises until paid, and be collected in the same manner as other assessments imposed by authority of the council. Whenever the common council shall order the construction of any lateral sewer or public sewer, it may enter into contract for making of such improvement according to the provisions of this charter, or cause such improvement to be made by the commissioner of

Lateral sewers and drains.

May assess expense.

Assessment to be a lien.

May enter into contract for construction of.

public works when so deemed advisable. And after the cost and expenses of constructing any lateral sewer has been as-
How ex-
pense
assessed.
 certain, it shall cause the same to be assessed upon the lots or premises benefited thereby, as provided in section forty-three of chapter seven of this act.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 440.]

AN ACT to amend act number two hundred thirty-three of the local acts of eighteen hundred ninety-one, entitled "An act to incorporate the village of Eau Claire in the county of Berrien," by inserting after section three of said act, a new section to stand as section three-a.

The People of the State of Michigan enact:

SECTION 1. Act number two hundred thirty-three of the local acts of eighteen hundred ninety-one, entitled "An act to incorporate the village of Eau Claire in the county of Berrien," is hereby amended by inserting after section three thereof, a new section to stand as section three-a and to read as follows: Act amended.

SEC. 3a. The council of said village shall have control of all sidewalks in the public streets and alleys of the village and may prescribe the grade thereof and change the same when deemed necessary. They shall have power to build, rebuild, maintain and keep in repair sidewalks and crosswalks in the public streets and alleys. The expense of constructing, reconstructing and maintaining such sidewalks shall be paid from the general street fund. Council to control sidewalks.
Prescribe grade.
Build and maintain.
Expense of, how paid.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 441.]

AN ACT to attach certain territory to the village of East Jordan in the county of Charlevoix.

The People of the State of Michigan enact:

SECTION 1. All that portion of sections twenty-two, twenty-three, twenty-four, twenty-five and twenty-six in the town-
Territory attached,
description of.

ship of South Arm in Charlevoix county, State of Michigan, and described as follows, to-wit: Commencing at a point where the east-and-west quarter line, in section twenty-four, township thirty-two north, range seven west, intersects the west north-and-south one-eighth line of said section twenty-four; thence south to the east-and-west quarter line of section twenty-five, township thirty-two north, range seven west; thence west along said quarter line of section twenty-five and continuing west to the west line of section twenty-six, township thirty-two north, range seven west; thence north along the west line of section twenty-six and continuing north along the west line of section twenty-three, township thirty-two north, range seven west, to the quarter post on the west side of section twenty-three; thence west along the east-and-west quarter line of section twenty-two, township thirty-two north, range seven west, to the center quarter post of said section twenty-two; thence north along the north-and-south quarter line of said section twenty-two, to the westerly shore of the south arm of Pine lake, thence in a southeasterly direction, following the shore of the south arm of Pine lake, to a point where the east shore of said lake intersects the south east-and-west one-eighth line of section twenty-three; thence east to the east line of section twenty-three; thence north to the east-and-west quarter line of said section twenty-three; thence east along the quarter line of section twenty-four to place of beginning, is hereby attached to the village of East Jordan, in the county of Charlevoix and becomes a part thereof.

This act is ordered to take immediate effect.

Approved March 29, 1905.

[No. 442.]

AN ACT to amend section three of act number three hundred thirteen of the local acts of nineteen hundred three, entitled "An act to authorize school district number four of the township of Ecorse, county of Wayne, and State of Michigan, to borrow money and issue bonds therefor in the sum of fifty thousand dollars, to be used in the erection of a school building or school buildings in said district, and furnishing the same and in the purchase of a site or sites therefor."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section three of act number three hundred thirteen of the local acts of nineteen hundred three, entitled "An act to authorize school district number four of the township of Ecorse, county of Wayne, and State of Michigan, to borrow money and issue bonds therefor in the sum of fifty thousand dollars, to be used in the erection of a school build-

ing or school buildings in said district, and furnishing the same and in the purchase of a site or sites therefor," is hereby amended to read as follows:

SEC. 3. At such annual meeting, or at the special meeting provided for in section two of this act, at which the proposition of issuing said bonds may be submitted to the electors of said district, the moderator, director and treasurer, formerly called assessor, of said school district, shall constitute a board of inspectors, and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open for two hours after the time fixed for the meeting, in the notices thereof. The vote upon such proposition shall be by ballot, either printed or written or partly printed and partly written, and the proposition stating the sum to be borrowed each time a vote is taken shall be stated upon such ballots in the following form: "For borrowing the sum of dollars and issuing the bonds of school district number four of the township of Ecorse, Wayne county, Michigan, therefor, at not to exceed five per cent interest per annum, and for not to exceed thirty years, to be used in the erection of a school building or school buildings in said district and furnishing the same, and in the purchase of a site or sites therefor—Yes." And "For borrowing the sum of dollars and issuing the bonds of school district number four of the township of Ecorse, Wayne county, Michigan, therefor, at not to exceed five per cent interest per annum and for not to exceed thirty years, to be used in the erection of a school building or school buildings in said district and furnishing the same, and in the purchase of a site or sites therefor—No." And the ballots shall be deposited in a separate ballot box provided for the purpose. At the closing of the polls the inspectors shall canvass the ballots and publicly declare the result thereof, and record the same in the school district records.

Board of inspectors, who to constitute.

Time polls kept open.

Vote by ballot.

Form of ballot.

Canvass of ballots.

This act is ordered to take immediate effect.

Approved March 30, 1905.

[No. 443.]

AN ACT to authorize and empower the construction and maintenance, by riparian owners upon the Menominee river, within the State of Michigan, of so much of a dam, or dams, as may be within the limits of said State, to form a part of a dam or dams to the Wisconsin bank of said river.

The People of the State of Michigan enact:

SECTION 1. That any owner of lands lying upon and along the Michigan bank of the Menominee river within said State, Owner may construct dams.

sufficient in extent to reasonably justify such a use thereof,
 is hereby authorized and empowered to build, construct, and
 maintain thereon so much of a dam or dams as may be within
 the boundaries and limits of the State of Michigan to connect
 with and form a part of a dam or dams extending from
 the Michigan to the Wisconsin bank of said river, and to make
 such use of the water power furnished thereby as he, or they
 or it may, from time to time, see fit or deem profitable.

May utilize power. How constructed. Owners to construct shutes and slides. When shutes kept open. To erect piers, etc. Owner to control. Act to govern.

SEC. 2. The said dam or dams so built and constructed shall be so constructed and maintained as to permit the free passage on the waters of said river of such articles of commerce as may be from time to time carried or floated thereon. And every person, firm, or corporation building, constructing, maintaining or owning such dam, shall construct and maintain therein and thereabouts, at their own expense, suitable slides, shutes, or other appliances of proper character and sufficient dimensions to permit the free passage of logs and other forest products and the articles of commerce carried or floated on said river. Said slides or shutes or other appliances in or about said dam shall be kept open and available at all times when there are logs or other forest products or articles of commerce ready to be passed over said dam and shall be so constructed, used, and maintained as not to unduly or unnecessarily obstruct, hinder, impede, or delay the navigation, or use of said river for the driving or floating of logs or other forest products or articles of commerce thereon. The constructors or owners of such dam or dams shall erect and maintain above said dam or dams on said river such piers, booms, structures, and other appliances as may be necessary for the passage of logs, other forest products and articles of commerce over said dam or dams and through said slides, shutes or appliances, and said booms, piers, structures and other appliances shall belong to the owners of said dam or dams, and be under his, their, or its control, subject to the provisions of this act, and to the rights of any company, or corporation organized under the provisions of act ninety-one of the public acts of eighteen hundred eighty-seven of the State of Michigan.

Dams to be provided with fish ladders. Misdemeanor. Penalty.

SEC. 3. Said dam or dams, so erected, shall be provided with a fish ladder or fishway, good and sufficient to admit the free and uninterrupted passage of fish up and down said dam or dams at all times, and said fish ladder or fishway shall at all times be kept in good repair. In case the owner or owners of said dam or dams shall neglect or refuse to construct or to keep in repair or to keep open said fish ladder or fishway, he, it, or they shall be deemed guilty of a misdemeanor and for each and every thirty days that such owner or owners shall neglect or refuse to comply with the provisions of this act respecting said fish ladder or fishway, he, it, or they shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment

in the discretion of the court: Provided, That the erection in said dam or dams, and the keeping of the same in good repair of a fish ladder or a fishway having the approval of either the Board of Fish Commissioners of the State of Michigan or the State Board of Commissioners of Fisheries of the State of Wisconsin, shall be deemed a compliance with the provisions of this act respecting said fish ladder and said fishway. Proviso

Sec. 4. That in case any riparian owner or other owner of property upon or along said river shall be injured in his property rights by the flowage of or backing up of the waters of said river over his lands or property caused by the construction or maintenance of said dam or dams, he shall be entitled to maintain an action for the damages resulting therefrom, in any court of competent jurisdiction, but shall not be entitled to proceed in equity to restrain the building, construction or maintenance of any such dam, or the appliances to be used in connection therewith, unless he can show that the person, persons or corporation constructing or maintaining or about to construct or maintain said dam or dams, are pecuniarily irresponsible, or that his remedy at law would not be adequate. When property owner entitled to damages

This act is ordered to take immediate effect.

Approved March 30, 1905. When may proceed in court of equity.

[No. 444.]

AN ACT to authorize the township board of school inspectors of Waterford township, in the county of Oakland, to disorganize school district number two in said township, and apportion the property embraced within said district among the adjoining districts, and to repeal act number four hundred twenty-eight of the local acts of nineteen hundred one, entitled "An act to restore school district number two of Waterford township in the county of Oakland in the State of Michigan, to part of its original boundary lines, and add new territory thereto."

The People of the State of Michigan enact:

SECTION 1. The township board of school inspectors of the township of Waterford, Oakland county, is hereby authorized to disorganize school district number two of said township and apportion among the adjoining school districts all property now embraced within said school district number two, and within sixty days from the time this act shall take effect the said board of township school inspectors shall meet and disorganize said district, and shall apportion among the ad- School inspectors authorized to disorganize certain district. When to meet and apportion property.

Act to govern.	joining districts all the property now embraced within said school district number two, in accordance with the provisions of act number one hundred sixty-four of the public acts of eighteen hundred eighty-one, as amended by act number thirty-seven of the public acts of nineteen hundred one.
Act repealed.	SEC. 2. Act number four hundred twenty-eight of the local acts of nineteen hundred one, entitled "An act to restore school district number two of Waterford township in the county of Oakland in the State of Michigan, to part of its original boundary lines and to add new territory thereto," is hereby repealed. This act is ordered to take immediate effect. Approved March 30, 1905.

[No. 445.]

AN ACT to authorize the city of East Tawas, in the county of Iosco, to levy and collect a tax of not to exceed one per cent on its assessed valuation for the years nineteen hundred five, nineteen hundred six, nineteen hundred seven, nineteen hundred eight and nineteen hundred nine, in addition to the amounts now authorized by law to be assessed in cities of the fourth class, for the purpose of paying the amount of certain orders issued for the purchase of lands for the extension of the electric light and water works system of said city.

The People of the State of Michigan enact:

City authorized to levy specific tax.	SECTION 1. The city of East Tawas, in the county of Iosco, is hereby authorized and empowered to levy and collect a tax
Years.	said city for the years nineteen hundred five, nineteen hundred six, nineteen hundred seven, nineteen hundred eight and nineteen hundred nine, in addition to the amounts now authorized by law to be levied and collected in cities of the fourth class, for the purpose of paying the amount of certain orders, issued for the purchase of lands for the extension of the electric light and water works system of said city, which said orders by virtue of the provisions of local act number three hundred fifteen of nineteen hundred three, were made a binding and legal obligation of the said city and the said city was obligated to pay the same.
For what purpose.	SEC. 2. Such assessment shall be spread in a separate column upon the tax rolls of the several wards of said city; such column to be headed "Special tax for payment of orders for purchase of land for extension of electric light and water system." All sums collected on account of such special assessment shall be kept separate from all other moneys belong-
Assessment, how spread.	
Sums collected to be kept separate.	

ing to said city and shall be used and appropriated only for the purpose of paying the said orders issued for the purchase of lands for the extension of the electric light and water system of said city: Provided, That the authority herein given, Provided, as to limit of authority. shall cease whenever the said city, through its officers, shall negotiate and sell the bonds authorized to be issued by local act number three hundred fifteen of nineteen hundred three.

This act is ordered to take immediate effect.

Approved March 30, 1905.

[No. 446.]

AN ACT to detach certain territory from the townships of Baldwin and Escanaba in the county of Delta, and to organize such territory into the township of Cornell.

The People of the State of Michigan enact:

SECTION 1. The territory described as follows, to-wit: Sections one to twelve, both inclusive, in township forty north, of range twenty-four west, and sections four, five, six, seven, eight and nine, of township forty north, of range twenty-three west, in said township of Escanaba, and all that part of Baldwin township west of the Escanaba river, and all that part of sections thirty-four, thirty-five and thirty-six, in township forty-one north, of range twenty-three west lying south of the Escanaba river, are hereby detached from the said townships of Escanaba and Baldwin in Delta county, and the said territory is hereby organized into a new township to be called and known as the township of Cornell. Cornell township, territory included.

SEC. 2. The first township meeting in said township shall be held at the schoolhouse at Cornell in said township on Monday, the third day of April, nineteen hundred five; and Nicholas May, Edward Hollywood and John D. Colburn are hereby made and constituted a board of inspectors of said township election, at which said election the qualified voters shall elect by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections. First meeting. Who to be board of inspectors.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time specified for holding the same, it shall and may be lawful to hold the same at any time hereafter by giving at least five days' notice of the time and place of holding such meeting by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election or a majority of them. Special meeting, when may hold. Notice of, how given.

When electors
may choose
inspectors.

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend said meeting.

Board of
registration,
who to be.

SEC. 5. And the said Nicholas May, Edward Hollywood and John D. Colburn, or a majority of them, shall constitute a board of registration, with like powers and duties of township boards of registration in other cases, and the holding of the session of the said board of registration shall be at the schoolhouse aforesaid, on the Saturday preceding said election, notice of which may be given in the same manner and for the same time as provided in the case of holding elections in section three of this act.

Session of,
where and
when held.

Notice.

This act is ordered to take immediate effect.
Approved March 30, 1905.

[No. 447.]

AN ACT to authorize the city of Traverse City, Grand Traverse county, Michigan, to borrow money, and to issue bonds therefor, for public improvements, in said city, and to provide for the levy and collection of taxes on the taxable property of said city to pay the same, in addition to the other taxes now provided by law.

The People of the State of Michigan enact:

Borrow
money for
public im-
provements.

SECTION 1. The city of Traverse City, Grand Traverse county, is hereby authorized and empowered to borrow money on its faith and credit, and through its duly authorized agents and officers to issue bonds therefor, to an amount not to exceed one hundred thousand dollars, to be expended in said city in making public improvements and parks, and buying the lands therefor, and improving and beautifying the same, for the use and benefit of the inhabitants thereof.

Bond issue,
submitted
to voters.

Sec. 2. Before any such loan shall be made or bonds issued, the common council of said city shall, by resolution, provide for the submission of the question of making said loan and issuing said bonds to a vote of the taxpaying electors of said city, said resolution to receive the support of at least two-thirds of the aldermen elected in said city voting in favor thereof. Said resolution, when passed by the requisite number of aldermen voting in favor thereof, shall be submitted to a vote of the taxpaying electors of said city in the

manner provided by its city charter, for submitting the question of raising money by taxation; and if, upon such submission to the electors, said resolution authorizing said loan and the issuing said bonds shall be authorized by a vote of two-thirds of the electors voting thereon, at any general or special election, said bonds may be issued in such sums and not exceeding the amount hereinbefore limited, and payable at such times not to exceed twenty years from the date of said bonds, with such rate of interest, not exceeding seven per cent per annum, as the city council of said city shall direct, and shall be duly signed by the mayor of said city and the clerk and sealed with the seal of said city, and when negotiated by or under the direction of the common council of said city, the money arising therefrom shall be appropriated and paid out by the proper authorities of said city for the purposes specified in this act; and it shall be the duty of the common council to raise by tax, on the taxable property of said city, all such sums as shall be sufficient in amount to pay the interest on said bonds, from time to time as necessary, and to pay said bonds, as the same may become due, all former acts or parts of acts to the contrary notwithstanding.

Bonds, when payable.

By whom signed.

Amount raised by taxation.

SEC. 3. The notices of said election shall contain a copy of the resolution passed by the common council and shall be printed and posted the same as other election notices are required to be printed and posted by the charter of said city; printed ballots shall be provided, and all voters against said loan shall use a ballot containing the words, "Against the Loan," and all voters for said loan, shall use a ballot containing the words "For the Loan," and the vote shall be canvassed and the result declared as at other elections.

Notices of election.

Canvass of vote.

This act is ordered to take immediate effect.

Approved March 30, 1905.

[No. 448.]

AN ACT to change the boundaries of the village of Grayling, in the county of Crawford, by detaching certain territory and returning the same to the township of Grayling.

The People of the State of Michigan enact:

SECTION 1. The boundary of the village of Grayling, in Crawford county, is so changed as to exclude, from the territory now embraced within its corporate limits, the following parcels of land, to-wit: The northwest quarter of the northwest quarter of section seventeen, and the north half of the northeast quarter of section eighteen, in township twenty-six north, of range three west, according to the government sur-

Boundaries changed.

vey thereof; and the territory so excluded is hereby placed under the control of, and returned to, the township of Grayling in the county of Crawford.

This act is ordered to take immediate effect.

Approved March 30, 1905.

[No. 449.]

AN ACT to authorize the village of Gagetown, Tuscola county, to enter into a contract or contracts with any person, persons or corporation, for the supplying of said village and its inhabitants with water, for a term not to exceed thirty years.

The People of the State of Michigan enact:

Question may
be submitted
to electors.

SECTION 1. It shall be lawful for the village council of the village of Gagetown to submit to the qualified electors of said village, at a special election duly called for said purpose, the question of whether said village shall enter into a contract with any person, persons or duly authorized corporation, to be afterward determined by said council, for the purpose of supplying said village and its inhabitants with water, for a term not to exceed thirty years.

Certain act
to govern
election.

SEC. 2. Said special election shall be called and held, and the votes cast therein shall be counted, canvassed, certified and returned in all respects, as nearly as may be, as provided in the organic act of said village, being act number three of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties." The vote shall be by ballot and the ballots used shall have written or printed thereon the words: "Shall the village of Gagetown contract for the supply of water for thirty years? Yes;" or "Shall the village of Gagetown contract for the supply of water for thirty years? No."

Vote by ballot.
Form of.

When council
may enter
into contract.

SEC. 3. If a majority of the qualified electors of said village shall vote in favor of such proposition, then the village council of said village of Gagetown shall be authorized to enter into contract with any person, persons, or duly authorized corporation for a good and sufficient supply of water for said village and its inhabitants, upon such terms and conditions as may be agreed; and may grant to such person, persons or corporation the right to such use of the streets, alleys and public places and grounds of said village, as may be necessary to enable such person, persons or corporation to construct and operate proper works for the supply of water for

May grant
use of streets,
etc.

the use of said village and its inhabitants, upon such terms and conditions as shall be specified in such contract or contracts.

SEC. 4. It shall be the duty of said village council, in case of the entering into any such contract or contracts as hereinbefore provided for, to raise by tax, in addition to the other taxes levied and collected in said village, such sums of money, from year to year, as may be necessary to provide for the payment for an adequate supply of water, under such contract or contracts, for all the requirements of said village.

Council to
raise money
by tax.

This act is ordered to take immediate effect.

Approved March 30, 1905.

[No. 450.]

AN ACT to provide for raising money to defray election expenses, and to increase and fix the compensation of clerks and election inspectors in the township of Springwells, Wayne county.

The People of the State of Michigan enact:

SECTION 1. The township clerk of the township of Springwells shall make an estimate each year of the amount of money necessary to be raised to defray the election expenses of the township of Springwells, and shall certify such estimate and the amount thereof to the supervisor of said township; which sum shall be raised by taxation upon all the taxable property of said township, and paid out of the general fund.

Election ex-
penses, how
raised.

SEC. 2. The clerks and election inspectors at elections in the township of Springwells, Wayne county, shall be entitled to and receive the sum of four dollars per day as compensation for such services.

Compensation.

This act is ordered to take immediate effect.

Approved March 30, 1905.

[No. 451.]

AN ACT to amend section seventeen of title six of [House enrolled] act number sixty-two of acts passed by the legislature for the year nineteen hundred five, entitled "An act to revise the charter of the city of Jackson, and to repeal all acts or parts of acts inconsistent herewith."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section seventeen of title six of House [enrolled] act number sixty-two of the acts passed by the legislature for the year nineteen hundred five, entitled "An act to revise the charter of the city of Jackson, and to repeal all acts or parts of acts inconsistent herewith," is hereby amended so as to read as follows:

TITLE VI.

Further
powers of
council.

SEC. 17. The common council of the city shall in addition to such other powers as are herein conferred have the general powers in this chapter mentioned and may pass such ordinances in relation thereto as they may deem proper, viz.:

Vice,
gambling,
disturbances.

First, To restrain and prevent vice and immorality, gambling, prize fighting, noise and disturbance, indecent or disorderly conduct or assemblages and to punish for the same; to prevent and quell riots; to preserve peace and good order and to protect the property of the corporation and of its inhabitants and of any association, public or private corporation or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

Vagrants.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

Nuisances,
etc.

Third, To prevent the injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them or neglecting or refusing to abate, discontinue or remove the same, and generally to determine and declare what shall be deemed nuisances;

Disorderly
houses.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Billiards, etc.

Fifth, To regulate, license, prohibit or suppress the use of

billiard tables, nine or ten pin alleys or tables, bowling alleys and shooting galleries;

Sixth, To suppress every species of gaming and to authorize Gaming. the seizure and destruction of all instruments and devices used for the purpose of gaming;

Seventh, To regulate, prohibit and suppress ale, beer, wine and porter houses and all places of resort for tippling and intoxicating liquors. and intemperance and to punish the keepers thereof and all persons assisting and carrying on the business thereof, and to require all such places to be closed on the Sabbath day and upon such other days and during such hours of every night as the council shall prescribe;

Eighth, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice and to punish any person so doing; Drunkards.

Ninth, To regulate, license, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, fortune tellers, clairvoyants, and all exhibitions of whatever name or nature for which money or other reward is in any manner demanded or received; lectures on historic, literary, religious or scientific subjects excepted; Sports, shows.

Tenth, To prevent and punish violations of the Sabbath day and the disturbance of any religious meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day; Sabbath violations.

Eleventh, To license auctioneers and regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property or anything at auction or by any manner of public bidding or offer, and to license the same and to regulate the fees to be paid by and to auctioneers, but no license shall be required in case of sales required by law to be made at auction or public vendue; Auctioneers.

Twelfth, To license hawkers, peddlers and pawnbrokers and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in or upon the streets, highways, alleys, sidewalks or in or upon open places or spaces, public grounds or buildings in the city, and may also require transient traders and dealers to take out license before engaging in business and may regulate by ordinance the terms and conditions of issuing the same; Hawkers, peddlers.

Thirteenth, To regulate and license all taverns and houses of public entertainment, all saloons and eating houses; Taverns, saloons.

Fourteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city; Vehicles.

Inspection of provisions.	Fifteenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour and other provisions;
Lumber, etc.	Sixteenth, To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise;
Weights and measures.	Seventeenth, To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures by venders;
Vaults, etc.	Eighteenth, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;
Indecency.	Nineteenth, To prohibit and prevent in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale of indecent, or obscene pictures, drawings, engravings, paintings and books or pamphlets, and all indecent or obscene language, exhibition and shows of every kind;
Bathing.	Twentieth, To regulate and prohibit bathing in rivers, ponds, streams and waters of the city;
Filth, etc., in streams.	Twenty-first, To provide for clearing the rivers, ponds and streams of the city and the races connected therewith, of all driftwood and noxious matter, to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive, and to prohibit and prevent the depositing therein of any earth, ashes, sawdust or other matter tending to obstruct the same;
Unwholesome places.	Twenty-second, To compel the owner or occupant of any grocery, tallow chandler's shop, soap or candle factory, butcher's shop or stall, slaughter house, stable, barn, livery, sewer or other offensive and nauseous or unwholesome place or houses to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of the city;
Combustibles.	Twenty-third, To regulate the keeping, selling and using of gun powder, firecrackers and fireworks and other combustible materials and the exhibition of fireworks, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the city, to prohibit and punish the use of toy pistols, sling-shots and other dangerous toys or implements within the city;
Cellars, drains.	Twenty-fourth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, privies, to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, and to pull down or remove any building, fence or structure which may be unsafe or liable to fall and injure persons or property or cause the same to be done by some officer of the corporation, and to assess the expense thereof on the lot or premises, having such cellar, slip, barns, private drains, sink, or privy thereon;

Twenty-fifth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house or railroad, also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire and to fix and regulate the amounts and rates of their compensation; Drivers of cabs, solicitors, etc.

Twenty-sixth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing or managing the same; Lotteries.

Twenty-seventh, To provide for the protection and care of paupers and to prohibit and prevent all persons or associations from bringing to the city from any other place any pauper or other person likely to become a charge upon the city and to punish therefor; Paupers.

Twenty-eighth, To make needful rules and regulations for the collection of water rates and to enforce payment thereof by suit in the corporate name of the city, in any court of competent jurisdiction, and to provide for the cutting off and depriving any delinquent consumer of a supply of water from the water works of the city; Water rates, etc.

Twenty-ninth, To make rules and regulations for making connections with sewers and to forfeit the license of any licensed plumber making connections with any water pipe or extending any supply pipe or in any manner increasing the flow of water without a permit from the common council or some officer duly authorized to grant permits for such purposes; Sewer connections.

Thirtieth, To provide for and regulate the numbering of buildings upon the streets and alleys and to compel the owners or occupants to affix numbers on the same and to designate and change the names of public streets, alleys and parks; Numbering of buildings.

Thirty-first, To provide for, establish, regulate and preserve public fountains and reservoirs within the city and such troughs and basins for watering animals as they may deem proper; also, to provide for sprinkling business and residence streets at a rate or tax to be determined by ordinance; Public fountains, reservoirs.

Thirty-second, To provide for and regulate an isolation hospital for the treatment of contagious diseases; Isolation hospital.

Thirty-third, To establish and maintain free public baths and swimming pools; Public baths.

Thirty-fourth, To restrain and regulate saloons and to prescribe the location thereof; Regulate saloons.

Thirty-fifth, To license the exercise of such trades and occupations as the council may deem proper for the public good and protection; License trades.

Thirty-sixth, To compel all persons or corporations owning, managing, operating or using wires or other means for the purpose of conveying electrical currents, or electricity for any Electric wiring.

purpose, to return such current by aerial wiring or otherwise, so as to prevent electrolysis;

Telephone, gas companies.

Thirty-seventh, To regulate the manner in which all telephone, telegraph, gas and heating companies shall make use of the streets, alleys and public places of the city;

May make by-laws for safety, etc., of inhabitants.

Thirty-eighth, The common council shall have power to make all such other by-laws, ordinances and regulations as it may deem necessary for the safety and good government of the city and to preserve the health and protect the persons and property of the inhabitants thereof.

This act is ordered to take immediate effect.

Approved March 30, 1905.

[No. 452.]

AN ACT to authorize the city of Mt. Pleasant, in the county of Isabella, and State of Michigan, to borrow money and issue bonds therefor, the proceeds of which are to be used for the purchase of the north half of block seven, in the Normal School addition to the city of Mt. Pleasant, to be conveyed to the State Board of Education, for the benefit of the Central State Normal School.

The People of the State of Michigan enact:

Council may issue bonds for purchase of certain property.

SECTION 1. The common council of the city of Mt. Pleasant, in the county of Isabella, shall be and are hereby authorized to borrow money on the faith and credit of the said city, and issue bonds therefor, to an amount not exceeding the sum of five thousand dollars, which shall be expended for the purchase of the north half of block seven, in the Normal School addition to the city of Mt. Pleasant, to be conveyed to the State Board of Education: Provided, That the common council of said city shall fix the time that the said bonds shall run, which shall not be less than five, nor more than fifteen years, and the rate of interest that they are to bear which shall not exceed six per cent per annum.

Proviso.

Questions submitted to electors.

SEC. 2. The common council of said city shall submit to the electors of said city at a general election, or a special election called for that purpose, the question of issuing said bonds for the purposes aforesaid. The notice of such election shall state the time and place in each ward of holding such election and the purpose thereof, and copies thereof shall be posted by the clerk of said city in five conspicuous places in each ward of said city, at least ten days before said general or special election. Special ballots shall be provided for such election in the following form: "Shall the city of Mt. Pleasant issue bonds not to exceed the sum of five thousand dol-

Notice of election.

Form of ballot.

lars for the purpose of raising money to purchase the north half of block seven, of the Normal School addition to the city of Mt. Pleasant, to be conveyed to the State Board of Education? Yes." "Shall the city of Mt. Pleasant issue bonds not to exceed the sum of five thousand dollars for the purpose of raising money to purchase the north half of block seven of the Normal School addition to the city of Mt. Pleasant, to be conveyed to the State Board of Education? No." The regular or special election held and the mode of proceeding at such election and the method of canvassing the ballots cast upon said question shall be in the manner provided in the general act relative to city elections, and no bonds shall be issued under the provisions of this act unless a majority of all of the votes cast upon the question of bonding the city as aforesaid shall favor issuing said bonds.

Certain act to govern conduct of election.

SEC. 3. It shall be the duty of the common council to provide by tax upon the taxable property, or from any fund it may have and not otherwise appropriated, for the payment of said sum of five thousand dollars or for any sum or sums of money borrowed under the provisions of this act, and the interest upon any and all bonds issued under authority of this act, as they may become due, and said common council is hereby expressly authorized so to do.

Council to provide tax for payment.

This act is ordered to take immediate effect.

Approved March 30, 1905.

[No. 453.]

AN ACT to authorize the township of Lyons, in the county of Ionia, to borrow money upon its bonds for the building of a bridge across Maple river at the village of Muir in said township, and the approaches thereto.

The People of the State of Michigan enact:

SECTION 1. The township board of the township of Lyons, in the county of Ionia and State of Michigan, shall be and is hereby authorized and empowered to borrow on the faith and credit of said township, and issue its bonds for the sum of twelve thousand dollars, for the building of a bridge across Maple river at the village of Muir, in said township, and the approaches thereto.

Township board may issue bonds for bridge

SEC. 2. Said twelve thousand dollars shall be due and payable as follows: Two thousand dollars on the first day of February A. D. nineteen hundred seven; two thousand dollars on the first day of February A. D. nineteen hundred eight; two thousand dollars on the first day of February A. D. nineteen hundred nine; two thousand dollars on the first

When due and payable.

How signed, etc.	day of February A. D. nineteen hundred ten; two thousand dollars on the first day of February A. D. nineteen hundred eleven; and two thousand dollars on the first day of February A. D. nineteen hundred twelve; and which said bonds shall in no case be disposed of for a less sum than their par value, and shall bear interest at a rate not exceeding five per cent per annum, with interest payable annually on the first day of February in each year, and shall be signed by the supervisor and clerk of said township: Provided, Said loan shall not be made and the bonds issued, unless said loan shall be authorized by a majority of the electors of said township, voting on said proposition at the annual township meeting, or at a special election called for that purpose.
Proviso.	
Money, how used.	SEC. 3. Said money so realized upon the sale of said bonds shall be used for and expended in the building of a bridge and approaches thereto across Maple river at the village of Muir in said township of Lyons as aforesaid.
Township board to make con- tracts.	SEC. 4. The township board of the township of Lyons are hereby duly authorized and empowered to make any and all necessary contracts for the construction of said bridge and the approaches thereto.
	This act is ordered to take immediate effect.
	Approved March 30, 1905.

[No. 454.]

AN ACT to amend section two of House enrolled act number six of the acts of the legislature of nineteen hundred five, entitled "An act to authorize and empower the board of education of the public schools of the city of Wyandotte, in the county of Wayne, to borrow not to exceed fifty thousand dollars and issue the bonds of the public schools of said city of Wyandotte therefor, for the purpose of building a schoolhouse and equipping the same," approved January twenty-six, nineteen hundred five.

The People of the State of Michigan enact:

Section amended.	SECTION 1. Section two of House enrolled act number six of the acts of the legislature of nineteen hundred five, entitled "An act to authorize and empower the board of education of the public schools of the city of Wyandotte in the county of Wayne, to borrow not to exceed fifty thousand dollars and issue the bonds of the public schools of said city of Wyandotte therefor, for the purpose of building a schoolhouse and equipping the same," approved January twenty-six, nineteen hundred five, is hereby amended to read as follows:
Denomination of bonds.	SEC. 2. Said bonds shall be issued in denominations of not less than one thousand dollars each, payable not more

than thirty years from the date of issue and drawing interest at the rate not exceeding five per cent per annum, payable semi-annually. Such bonds shall be signed by the president and secretary of said board of education. Any coupons attached to said bonds shall be signed by the secretary of said board. The moneys derived from the sale of said bonds shall be used by said board of education for the purpose of building and equipping a schoolhouse in said city of Wyandotte.

Rate of interest.

How signed.

Money, how used.

This act is ordered to take immediate effect.

Approved April 5, 1905.

[No. 455.]

AN ACT to repeal an act entitled "An act to incorporate the Grand Rapids Hydraulic Company," approved April two, eighteen hundred forty-nine, and to provide for presentation and allowance of claims against the city of Grand Rapids for the value of the tangible property of said company at the time of the approval of this act.

The People of the State of Michigan enact:

SECTION 1. An act entitled "An act to incorporate the Grand Rapids Hydraulic Company," is hereby repealed to take effect November one, nineteen hundred five: Provided, That for the purpose of closing up its affairs only it may be continued for one year thereafter.

Act repealed.

SEC. 2. The Grand Rapids Hydraulic Company may at any time before January one, nineteen hundred six, and not thereafter, present a claim to the common council of the city of Grand Rapids for the value of the real and tangible estate owned by it, not including franchise, at the time of the approval of this act, and transfer such property to said city in consideration therefor. If the said company and the said common council shall be unable to agree upon the valuation of said property within thirty days thereafter, then such claim may be filed within the further time of thirty days, in the form of a claim in assumpsit in the superior court of Grand Rapids, and issue framed thereon in the nature of assumpsit. The rules and practice in suits of assumpsit shall be applicable thereto. Either party to such issue may take the same for review to the supreme court of the State, upon the questions of law raised upon the trial, or charge of the court made to a jury, if the same shall be tried before a jury. The amount finally awarded to said company against the city of Grand Rapids shall be a claim against the city to be paid in the

When company may present claim to city for real estate, etc.

When claim may be filed in court.

Claim in assumpsit.

Case subject to review by supreme court.

Award to be claim against city.

Proviso, as to
removal of
property.

same manner as other claims: Provided, That if the said Hydraulic Company shall not elect to present a claim against the said city and transfer its property to said city, it may, upon giving a bond with sufficient sureties to be approved by the common council to protect the city from any damages caused thereby, remove all of its tangible property from the streets, lands and alleys in said city, under the direction of the board of public works of said city, and in the event of any disturbance of the street or alley grades, or injury thereto, caused by said removal, it shall at the time of removal of its property therefrom cause the said streets, lands and alleys to be repaired and placed in as good condition as before.

Approved April 5, 1905.

[No. 456.]

AN ACT to attach all the territory included within the limits of the township of Adams, in the county of Houghton, Michigan, not now included within the limits of school district number one of said township, to said school district number one, and to fix the corporate name of said school district.

The People of the State of Michigan enact:

Territory
transferred.

SECTION 1. All of the territory of the township of Adams in the county of Houghton, Michigan, not now included within the limits of school district number one of said township, is hereby added to and attached to said school district number one of said township, and said district number one of said township, as so constituted, shall be known hereafter by the corporate name, "Public Schools of Adams Township."

Corporate
name.

Title to all
property
vested in new
district.

SEC. 2. All lands, schoolhouses and sites, together with the furniture, library, property, effects and estate, real and personal, of said school district number one, as heretofore existing, and all moneys, debts and demands belonging to or due or owing, or to become due or owing to said district as heretofore existing, are hereby declared to be the property of said district as constituted hereunder, to be known by the corporate name of "Public Schools of Adams Township;" and all bonds, debts and obligations of said district number one shall become and are hereby declared to be the debts, dues and obligations of said school district as hereby constituted, which bonds, debts, dues and obligations shall remain as liabilities of said district as hereby constituted.

Bonds,
obligations,
assumed by
new district.

Present board
of trustees to
continue in
office.

SEC. 3. The members of the present board of trustees of said district number one shall constitute and remain as the board of trustees of said district, as the same shall exist

hereunder, during their respective terms of office and until their successors are duly elected and qualified under the general school laws of this State; and, except as herein otherwise provided, said district shall be subject to, and shall have all the privileges conferred by, the general laws of this State applicable to graded school districts therein. General laws to govern.

This act is ordered to take immediate effect.

Approved April 6, 1905.

[No. 457.]

AN ACT to make the provisions of act number ninety-five of the laws of the State of Michigan of the year eighteen hundred ninety-five, being chapter one hundred twenty-one of the compiled laws of eighteen hundred ninety-seven, relative to cities having a duly constituted police force, as amended by act number eighty-three of the public acts of Michigan of the year nineteen hundred one, applicable to the school district of Adams township in the county of Houghton, Michigan, known by the corporate name of "Public Schools of Adams Township."

The People of the State of Michigan enact:

SECTION 1. All provisions of act number ninety-five of the laws of Michigan of the year eighteen hundred ninety-five, being chapter one hundred twenty-one of the compiled laws of eighteen hundred ninety-seven, as amended by act number eighty-three of the public acts of Michigan of the year nineteen hundred one, which relate to the compulsory education in cities having a duly constituted police force, are hereby made applicable to school district of Adams township, in the county of Houghton, Michigan, known by the corporate name, "Public Schools of Adams Township," as the same is now or may hereafter be constituted, and said provisions so applicable to such cities shall be in force within said district and may be enforced therein, in the manner provided in said act. Certain act applicable to school district.

This act is ordered to take immediate effect.

Approved April 6, 1905.

[No. 458.]

AN ACT to authorize the townships of Springwells and Ecorse in the county of Wayne, State of Michigan, to jointly build and maintain a swing or drawbridge, constructed in whole or in part of steel or iron, across the River Rouge at a point known as the Dix road or Saulsbury bridge, according to the plans and specifications which have heretofore been, or which may hereafter be provided by the proper officers of the United States, according to the act of Congress, and to borrow money on the faith and credit of said townships to pay for the construction of said bridge.

The People of the State of Michigan enact:

Township
boards au-
thorized to
construct
drawbridge.
Location.

Cost.
Plans and
specifications.

Proviso.

Bond issue
authorized.

Amount.

Proviso as to
submitting to
electors.

Further
proviso as to
notice of
election, etc.

SECTION 1. The township boards of the townships of Springwells and Ecorse, county of Wayne, are hereby authorized and empowered to jointly construct a swing or drawbridge, constructed in whole or in part of iron or steel, across the River Rouge, forming the boundary line of said townships, at a point thereon where the Dix road reaches the same, and to replace what is known as the Saulsbury bridge, at a total cost for construction of said bridge, and approaches, not to exceed twenty thousand dollars, one-half of which shall be borne by each of said townships. Said bridge shall be constructed according to plans and specifications agreed upon between said township boards, and which have heretofore been or may hereafter be approved by the proper officers of the United States: Provided, however, That the consent of the board of supervisors shall have been, or may hereafter be obtained to the construction of said bridge and approaches.

SEC. 2. For the purpose of procuring the money to pay for the construction of said bridge, each of the said townships is hereby authorized and empowered to borrow money, on its faith and credit, an amount not exceeding ten thousand dollars, to be expended in the construction of said bridge, and to issue township bonds as hereinafter provided to secure the payment of said loans: Provided, however, That said bridge shall not be constructed, nor said money borrowed to pay therefor, until a majority of the electors in each of said townships, voting at an election to be called as hereinafter provided, shall vote in favor of the construction of said bridge and of the borrowing of said money in the manner specified in this act: Provided further, The notice to be given calling for such election shall distinctly state the bridge to be built, the amount of money to be borrowed to pay for the same by the respective townships, separately. Such election shall be held separately in each township; and unless a majority of the voters in each township voting at said election shall vote in favor of constructing said bridge and borrowing said money, said bridge shall not be constructed or said money borrowed.

SEC. 3. If the construction of said bridge and the borrowing of the money to pay for the construction thereof shall be authorized by the electors of each township as aforesaid, said bridge may be built, and bonds may be issued to secure the payment of the money borrowed to pay for the same, not exceeding the sum of ten thousand dollars by each township, and payable at such times and on such rates of interest, not exceeding four per cent per annum, as the township board in each township may for themselves prescribe. Said bonds shall be signed by the supervisor and clerk of each township, sealed with the seal thereof and negotiated by or under the direction of such township board. Such bonds shall be advertised for sale in a daily newspaper, published in Detroit, for five days, and bids and tenders asked for for purchase of same. Notice shall be signed by the supervisor of each township, for his township. The money received from the sale of said bonds shall be applied to the payment for the construction of such bridge and approaches, and to no other purpose. Said bonds shall in no case be sold or disposed of for less than their par value, and the said township boards, each for their respective townships, shall have the power, and it shall be their duty, to raise by taxation upon the taxable property of their respective townships such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due; and it shall be the duty of the respective townships each to bear the expense of one-half of the cost of maintaining said bridge.

When bonds
may issue.

Rate of in-
terest.

How signed
and
negotiated.

How ad-
vertised.

Money, how
used.

Tax to be
raised for
payment

Division of
expense.

SEC. 4. It shall be lawful for the supervisors of said townships, by a joint notice, to call a joint meeting of the township boards of said townships, at a time and place to be fixed in said notice, for the purpose of adopting plans and specifications for such bridge, and also after the qualified electors in each township shall have voted in favor of the construction of said bridge as hereinbefore provided, and the borrowing of the moneys necessary to pay therefor, call such like joint meeting for the fixing of the terms of the contract or contracts for the construction of said bridge, and the approaches thereto. Such plans and specifications shall not be adopted or approved, or such contract or contracts executed unless a majority of the board of each township shall in such joint meeting vote in favor thereof. The supervisor of one of the townships shall be elected as chairman of such joint meeting, and thereupon the clerk of the other township shall become the clerk of such joint meeting. A copy of the action of such joint meeting or meetings shall forthwith be filed in the office of the township clerk of each of the townships, together with the copies of the plans and specifications, and contract or contracts approved, adopted or authorized. Such copies shall be certified by the chairman and clerk of

Joint meeting
of boards,
how called.

Purpose of.

Majority
necessary
to
execute con-
tracts, etc.

Chairman and
clerk.

Proceedings
etc., where
filed.

Who to execute contracts.

Proviso.

Proviso as to advertising for bids, etc.

Certain act to govern election.

Proviso as to form of ballot.

the joint meeting; and thereupon, the proper officer of each township shall be authorized to execute, on behalf of his township, such contract or contracts for the construction of said bridge and approaches: Provided, however, That in no event shall either township become in any way liable for the payment of any of the cost of construction of said bridge and approaches, which under the terms of the contract or contracts would properly be chargeable to the other township: Provided, however, That before entering into any contract for the construction of said bridge and approaches, or either thereof, not less than ten days' notice shall be published in some newspaper published in Wayne county, stating that it is proposed to construct such bridge and approaches, stating where the plans and specifications can be examined, and calling for bids or tenders for constructing same. Such notice shall be signed by the supervisors of each township, and such contract or contracts shall be let to the lowest responsible bidder. Satisfactory security for the faithful performance of such contracts and payment of labor and material and men shall be required as provided by law.

SEC. 5. The said election or vote to be taken under this act shall be called according to the provisions of section four, of chapter seven of act number two hundred forty-three, of the public acts of eighteen hundred eighty-one, approved June eight, eighteen hundred eighty-one, as heretofore amended, and entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State and the amendments thereto, being contained in chapter one hundred one, of the compiled laws of the State of Michigan of eighteen hundred ninety-seven: Provided, however, That the ballots to be used at such election or vote shall read as follows: "For River Rouge bridge at Dix road and borrowing money to construct the same? Yes []." "For River Rouge bridge at Dix road, and borrowing money to construct the same? No []."

This act is ordered to take immediate effect.

Approved April 6, 1905.

[No. 459.]

AN ACT to amend the title and sections one and three of act number four hundred fifty of the local acts of nineteen hundred three, entitled "An act to create the office of drain assessors in each township of the county of Allegan, to prescribe their duties and fix their compensation, and to repeal all acts or parts of acts conflicting with the terms of this act."

The People of the State of Michigan enact:

SECTION 1. The title of act number four hundred fifty of the local acts of nineteen hundred three, entitled "An act to create the office of drain assessors in each township of the county of Allegan, to prescribe their duties and fix their compensation, and to repeal all acts or parts of acts conflicting with the terms of this act," is hereby amended to read as follows: "An act to create the office of drain assessor in each township of the counties of Allegan, Kent and Wayne, to prescribe the duties of such office and to fix the compensation for the performance of such duties." Title amended.

SEC. 2. Sections one and three of said act number four hundred fifty of the local acts of nineteen hundred three are hereby amended to read as follows: Sections amended.

SECTION 1. At the annual township meeting of each township in the counties of Allegan, Kent and Wayne, there may be elected two resident freeholders for the term of one year, to be chosen by ballot in the same manner as other township officers, who shall be designated drain assessors for their respective townships, and who shall constitute, together with the county drain commissioner, a board of assessors, whose duty shall be to make and review all assessments for benefits for all drains within such townships. In case any such drains traverse more than one township, then the county drain commissioner shall apportion the per cent of the total cost of said drain each township shall pay of the total cost of said drain, and the drain assessors of such townships, together with the county drain commissioner shall constitute a board of assessors for such drain in their respective townships. Township drain assessors elected in certain counties.
Board of assessors, who to constitute.
County drain commissioner to apportion cost of drain.

SEC. 3. The expenses of said drain assessors shall be audited and allowed by the township board and shall be paid on the order of the county drain commissioner out of the drain fund. Expenses, how audited and paid.

This act is ordered to take immediate effect.

Approved April 6, 1905.

[No. 460.]

AN ACT to amend sections three and seven of an act entitled "An act to incorporate the Detroit Library Commission and to provide means for acquiring lands, and the construction of public library building or buildings thereon, and the maintenance of the same," approved March twenty-nine, nineteen hundred one, as amended by act numbered three hundred ninety of local acts of nineteen hundred three, approved April two, nineteen hundred three.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Sections three and seven of an act entitled "An act to incorporate the Detroit Library Commission and to provide means for acquiring lands and the construction of public library building or buildings thereon and the maintenance of the same," approved March twenty-nine, nineteen hundred one, as amended by act number three hundred ninety of the local acts of nineteen hundred three, approved April two, nineteen hundred three, are hereby amended so as to read as follows:

Sinking fund,
how provided.

SEC. 3. In order to provide a sinking fund for the redemption of the bonds provided for in the preceding section, the common council shall have power, and it shall be its duty, to raise by taxation in each year, upon the property assessed for city purposes, within said city, a sum equal to two and one-half per cent of the amount of said bonds issued under the provisions of this act, which sum, when raised, shall be credited to the sinking fund of said city for the purposes aforesaid.

Receipts from
sale of bonds,
where de-
posited.

The principal realized from the issue and sale of said bonds shall be deposited in the city treasury to the credit of the public library fund for the purpose hereinbefore mentioned, and shall be applied exclusively to the purpose of acquiring sites and the construction of public library buildings in the city of Detroit.

How used.

The premium and accrued interest, if any, shall be credited to the sinking fund. It shall be the duty of the Detroit Library Commission to transmit to the common council through the city controller, on or before the first day of February in each year, or at such other time or times as the common council of the city of Detroit may by ordinance prescribe for the submission of annual estimates, an estimate of the amount of money which said commission may deem necessary for the proper maintenance of the public libraries of the city of Detroit, during the fiscal year next ensuing, which estimate shall, as far as practical, be made in detail, specifying the amounts required for books, magazines and other publications, for salaries of employees, repairs, new buildings, additions to library buildings, fuel, supplies, and general current expenses, together with an estimate of the revenues to be derived during the fiscal year next

Estimate of
money needed,
who to report
to council.

What to
specify.

ensuing, from sources other than taxation. So much of the said estimate as the common council and the board of estimates of the city of Detroit shall approve shall be levied and collected the same as other city taxes of the said city: **Proviso.** Amount allowed, how levied and collected. That the amount so approved, together with the revenues to be derived from other sources than taxation, except gifts, grants, devises, bequests, fines for breach of the penal laws of the State and funds from other than public sources, shall not be less than one-fifth of a mill on the dollar on property assessed for city purposes. **Minimum assessment.** It shall be unlawful for the said Detroit Library Commission to pay out or agree to pay out any money for any item or items or for any object or objects disallowed by the said common council or board of estimates: **No money to be paid for disallowed items.** Provided, however, That in case of any loss, by fire or otherwise, to the property of the said commission, or in case it shall be necessary for the Detroit Library Commission to acquire additional funds in order to comply with the terms of any proposed gift to said commission, or in case of any unforeseen contingencies, for which no appropriation shall have been made, the common council may authorize the commission to provide the necessary moneys for the same from any available funds of said commission, or may authorize the controller of the city of Detroit to borrow the same on the faith and credit of the city; but no such amount for any specific purpose in excess of two thousand five hundred dollars shall be authorized, unless the same shall have been approved by the board of estimates at a meeting called for that purpose, if said board of estimates shall not at such time be in regular session. **Excessive amounts, how authorized.** On or before the first day of January in each year said Detroit Library Commission shall submit to the common council of said city a report for the fiscal year ending on the thirtieth day of June next preceding. **Annual report of commission.**

SEC. 7. The secretary of the Detroit Library Commission shall make and deliver to such corporation counsel, as soon as may be, a copy of such resolution, certified and under seal, and it shall be the duty of such corporation counsel to prepare and file in the name of the Detroit Library Commission in the court having jurisdiction, a petition signed by him in his official character and duly verified by him or by some person having knowledge of the facts; to which petition a certified copy shall be prima facie evidence of the action taken by the Detroit Library Commission and of the passage of such resolution. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the Detroit Library Commission in pursuance of this act, to acquire the right to take private property for the use and benefit of the public library of said city, without the consent of the owners, for public improvement, designating it, for a just compensation to be made. A description of the property proposed to be taken shall be given, and, generally, the nature **Secretary of commission, duty of.** **Corporation counsel, duty of.** **What petition to state.** **Description of property.**

and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the Detroit Library Commission has declared such library building or addition to old library buildings to be a necessity, and that they deem it necessary to take the private property described in that behalf, for such improvement, for the use or benefit of the public library of said city. The petition shall ask that a jury be summoned and empaneled to ascertain and determine whether it is necessary to take such private property as it is proposed to take, for the use or benefit of the public library of said city, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or thing and may pray for any other or further relief to which the said Detroit Library Commission may be entitled within the object of this act.

Fiscal year not
affected.

SEC. 2. None of the provisions of this act shall affect the revenues of the said Detroit Library Commission for the fiscal year commencing July one, nineteen hundred five, and ending June thirty, nineteen hundred six.

This act is ordered to take immediate effect.

Approved April 6, 1905.

[No. 461.]

AN ACT to amend sections five and twenty-three of chapter eleven of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, as amended.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Sections five and twenty-three of chapter eleven of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, as amended, are hereby amended so as to read as follows:

Council may
levy taxes for
interest.

SEC. 5. The common council may annually levy, assess and collect on the assessed value of all real and personal estate of said city, made taxable by the laws of this State, taxes for the purpose of the interest fund, not exceeding in amount a sufficient sum to pay the interest accrued, or to accrue, on the funded debt of said city for the year for which

such taxes are levied: Provided, That the common council may further provide in such annual tax levy for a sum sufficient to cover any deficiency which may have occurred or likely to occur to this fund, by reason of the non-payment of taxes, or from any other causes whatever. The common council shall have power to levy taxes for the purposes of the sinking fund as follows: When any bonds authorized to be issued shall have been sold and delivered, and the proceeds thereof paid into the city treasury, there shall be raised by general taxation for the redemption of said bonds, during the term of said bonds, seventy-five per cent of the face value thereof, which amount shall be levied in equal annual installments: Provided, however, That this requirement shall not apply to any bonds issued prior to July one, nineteen hundred one.

Proviso.
Taxes to cover
deficiency.

Tax levy for
sinking fund.

Proviso as to
certain bond
issue.

Sec. 23. The common council shall have power to contract with any safe bank or banks for the safe keeping of public moneys, and for the receipt of interest, at a rate not exceeding that established by law, upon such moneys of the corporation deposited with such bank or banks, and to be drawn on account current from such bank or banks, by the corporation or proper officer thereof, and such interest shall belong and be credited to the sinking fund: Provided, however, That whenever in the opinion of the board of sinking fund commissioners such moneys are not required for the payment of the public debt at maturity, the common council may direct the same to be placed to the credit of the interest fund for the payment of interest on the city debt.

Council may
contract with
banks for
keeping of
money, etc.

Proviso as to
transfer of
funds.

This act is ordered to take immediate effect.

Approved April 6, 1905.

[No. 462.]

AN ACT to reduce the number of circuit court commissioners in the county of Kent, and to provide a salary.

The People of the State of Michigan enact:

SECTION 1. There shall be elected at the next general election to be held in the county of Kent, in November, nineteen hundred six, and every two years thereafter, one circuit court commissioner, who shall enter upon the discharge of his official duties on the first day of January succeeding his election, and shall hold his office two years and be vested with judicial powers not exceeding those of a judge of the circuit court at chambers.

Term of office.

Sec. 2. Said circuit court commissioner shall receive from the treasurer of the county of Kent an annual salary of fifteen hundred dollars, payable monthly.

Salary of.

Acts repealed. SEC. 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 6, 1905.

[No. 463.]

AN ACT to make the office of sheriff of Kent county a salaried office, to fix the salary of under sheriff, to provide for determining the number of deputy sheriffs, and fixing their compensation, and to regulate the management of the sheriff's office.

The People of the State of Michigan enact:

Salary of
sheriff.

SECTION 1. After the expiration of the term of office of the present sheriff of the county of Kent, the sheriff of said county shall receive as compensation for his services an annual salary of four thousand dollars, to be paid monthly by the county treasurer in the same manner as other county officers are paid.

How paid.

To be in full
for services.

SEC. 2. The said salary of four thousand dollars per annum shall constitute the whole compensation which shall be allowed to or received by said sheriff for all the official services which may be performed by him as sheriff, as required or authorized by existing laws, or by laws which may hereafter be enacted, by virtue of his office as sheriff, and no compensation, payment or allowance shall be made to him for his services as sheriff except the salary aforesaid.

Fees and per-
quisites belong
to county.

SEC. 3. All the fees, emoluments and perquisites which such sheriff shall charge or receive, or which he shall legally be authorized, required or entitled to charge or receive by law in civil causes or proceedings and paid by litigants or individuals, as and for his compensation for services rendered them, and his expenses and liabilities thereunder, and all the fees, emoluments and perquisites which he shall charge or receive, or which he shall be legally authorized, required or entitled to charge or receive for conveying prisoners or other persons to State institutions, and for all other services for the United States of America or for the State of Michigan, or for the county of Kent, for which fees are paid, including the moneys he may receive for the board, custody or care of United States prisoners and for moneys he may receive for the care and custody of prisoners committed to the county jail, from the cities and villages of Kent county and which may be a proper charge against said cities and villages, shall belong to the county of Kent, and it shall be the duty of said sheriff to exact, collect and receive for said county the full

Duty of sheriff
to collect.

amount allowed by law for all such moneys, fees, emoluments and perquisites.

SEC. 4. The under sheriff of Kent county shall receive an annual salary of twelve hundred dollars, payable monthly, which shall be in lieu of all salaries, per diem, fees, mileage, percentages, perquisites, emoluments and compensation now allowed by law or hereafter attaching to said office.

Salary of
under sheriff.

SEC. 5. The sheriff of Kent county shall appoint all deputy sheriffs for said county, one of whom shall be a competent accountant, and shall appoint a matron for the county jail, but the board of supervisors for the county of Kent, shall prescribe the number of deputy sheriffs for said county and shall fix their compensation, also the salary of the matron of the jail: Provided, That no deputy sheriff shall receive a salary of more than one thousand dollars per annum: And provided, further, That deputy sheriffs acting as court officers shall receive a salary not to exceed eight hundred fifty dollars per annum; and the salaries so determined shall be paid monthly, and all salaries so determined and paid shall be in lieu of all fees, mileage, perquisites, emoluments and other compensation of whatever nature. All salaries of the deputy sheriffs shall be fixed from term to term on or before October thirty-first, preceding the commencement of the term of office of the sheriff, and no salaries shall be increased or diminished during the term for which they have been fixed by the said board of supervisors. The number of deputy sheriffs prescribed shall be sufficient, with the sheriff and under sheriff, to perform all the duties devolving upon the sheriff's office by law.

Sheriff to ap-
point deputies
and matron.

Who to fix
number and
salary of.

Proviso.
Further
proviso.

SEC. 6. In times of emergency the sheriff, upon the order of the circuit court for the county of Kent, made upon the petition of the sheriff or prosecuting attorney of said county, showing the necessity therefor, may appoint for such day or days as may be required, one or more additional deputies, who for services actually rendered, shall receive the sum of three dollars per day and no other compensation whatsoever. Upon completion of his service each deputy so appointed shall make and file with the board of county auditors for the county of Kent, a full and detailed report, including his actual expense account, duly verified, of services rendered and official acts performed during the period of service, of all moneys received in fees, mileage, perquisites and emoluments on account of said appointment, and at the same time shall pay over to the county treasurer all moneys so received which shall thereupon become the money of Kent county. The sheriff may also appoint deputy sheriffs to protect private interests, who shall receive no compensation from Kent county for services on account of such appointment. Said deputies so appointed may be required by the board of supervisors to file a detailed statement with the county clerk of all their official acts.

When sheriff
may appoint
additional
deputies.

Compensation.

Deputies to
file report with
county
auditors.

May appoint
deputies for
private inter-
ests.

Sheriff to keep account of official services.

SEC. 7. The sheriff shall keep in his office in a proper book or books, to be provided for that purpose, an exact and true account of all official services performed by him as sheriff, and of all fees, moneys, perquisites and emoluments received or chargeable by him therefor pursuant to law. Such book or books shall be a complete record and shall show when and for whom every such service shall have been performed, its nature and the fees chargeable therefor, and at all times during office hours shall be open to the inspection of any person.

To make monthly statement to auditors.

SEC. 8. The sheriff shall transmit to the board of county auditors and county treasurer, on or before the eighth day of each month, a statement of all moneys received by him for fees, perquisites and emoluments for all the services named in section three, rendered by him in his official capacity as aforesaid, for the preceding month. He shall make affidavit that such statement is full and true to his best knowledge and belief, and at the same time he shall pay over to the treasurer of the county of Kent, for the benefit of said county, the whole amount of moneys so received by him, which moneys shall belong to the county of Kent.

To pay over moneys to county treasurer.

Warrants, etc. served without charge.

SEC. 9. All writs, subpoenas, warrants, summonses, commitments and other papers, the service of which would be a proper charge against the county of Kent, shall be served by the sheriff, the under sheriff, or any deputy the sheriff may direct, without charge.

To file monthly statement of expenses.

SEC. 10. On or before the eighth day of each month the sheriff, under sheriff and each deputy shall make and file with the board of county auditors a full and detailed account, verified under oath, of his actual and necessary expenses during the preceding month while in the performance of his official duty; and said expense accounts shall be claims against the county which, after being audited and allowed by the board of county auditors, shall be paid by the county of Kent.

To provide necessary supplies.

SEC. 11. The jail of the county shall be kept by the sheriff as now required by law. All supplies of whatever nature necessary for the custody and maintenance of the prisoners and persons detained within said jail shall be provided by the sheriff, and his actual and necessary expenses in providing the same shall be a county charge and be paid by the county as follows: The sheriff shall keep a correct and itemized account of such expenses in a book or books provided for that purpose, at the expense of the county; each item of such account shall specify the date at which it was incurred, to whom paid, the place where paid and for what, or the purpose for which it was paid. The sheriff shall also obtain a voucher for each item incurred by him so far as practicable, and if any such item exceeds the sum of twenty-five dollars, it shall be duly verified as to its correctness and the payment thereof by the affidavit of the person furnishing the same.

How paid.

Certain items, verified by affidavit.

To file monthly statement of supplies.

SEC. 12. At the end of each calendar month or within eight days thereafter, the sheriff shall present to the board of county

auditors a written, verified statement in detail of all items of his said expenses incurred under section eleven, for such month. The verification of such statement shall be by the affidavit of the sheriff that said statement is in all respects full and true to his best knowledge and belief. How verified.

SEC. 13. On or before the fifth day of January of each year the sheriff shall make and file with the board of county auditors a report in gross, of all receipts and expenditures for the year, previously reported in detail, and a full and detailed report, on oath, of all his official acts, and the official acts of the under sheriff and the deputy sheriffs not previously reported in detail; and said report shall show the actual receipts in fees, perquisites and emoluments by the sheriff, under sheriff and deputy sheriffs, and the expense of every nature whatsoever incurred by said sheriff, under sheriff and deputy sheriffs in the performance of their official duties, and for which expense claims have become a charge against Kent county. Said reports shall show the amount of fees, perquisites, and emoluments paid to the treasurer of Kent county, and the expense of feeding the prisoners at the jail. Said report shall be for the fiscal year ending December thirty-one. And said annual report shall appear in the printed proceedings of the board of county auditors. To file annual report of receipts and expenditures

SEC. 14. Every such sheriff before entering upon the duties of his office shall execute to the county of Kent and file with the county treasurer of said county a bond, in addition to any other required by law, in the sum of five thousand dollars, with sufficient sureties to be approved by the board of county auditors, to the effect that he will faithfully perform the duties devolving upon him and pay over to the county treasurer all moneys which shall come into his hands as herein provided. What to show.

SEC. 15. Any officer referred to in this act who shall secure to his own use, or for the use of another, any fee, perquisite or emolument contrary to the provisions of this act, or shall neglect to account for any such fees, perquisite or emolument by this act to belong to the county of Kent, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than six months or both, in the discretion of the court, and shall be liable to said county in a civil action for all moneys so received, or received for the use of the county and not accounted for and paid over to the treasurer pursuant to the requirements of this act. To file bond.

SEC. 16. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Misdemeanor, what deemed a.

Approved April 6, 1905. Penalty upon conviction.

Repealing clause.

[No. 464.]

AN ACT to amend sections two and five of chapter six, section one of chapter ten, section twenty of chapter sixteen, section thirteen of chapter twenty-three and section three of chapter twenty-five of act number four hundred seventy-five of the local acts of eighteen hundred ninety-seven, entitled "An act to reincorporate the city of Kalamazoo, and to repeal an act entitled 'An act to incorporate the city of Kalamazoo,' and to repeal an act entitled 'An act to reincorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts,' approved March fifteen, eighteen hundred sixty-one, as amended by the several acts amendatory thereof, approved June eight, eighteen hundred eighty-three, as amended by the several acts amendatory thereof, and to repeal all inconsistent acts and parts of acts," approved June two, eighteen hundred ninety-seven, as amended by the several acts amendatory thereof, and to add three sections to chapter sixteen of said act, to stand and be known as sections thirty-nine, forty and forty-one, and to repeal all inconsistent acts and parts of acts.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Sections two and five of chapter six, section one of chapter ten, section twenty of chapter sixteen, section thirteen of chapter twenty-three and section three of chapter twenty-five of act number four hundred seventy-five of the local acts of eighteen hundred ninety-seven, entitled "An act to reincorporate the city of Kalamazoo and to repeal an act entitled 'An act to incorporate the city of Kalamazoo,' and to repeal an act entitled 'An act to reincorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts,' approved March fifteen, eighteen hundred sixty-one, as amended by the several acts amendatory thereof, approved June eight, eighteen hundred eighty-three, as amended by the several acts amendatory thereof, and to repeal all inconsistent acts and parts of acts," approved June two, eighteen hundred ninety-seven, as amended by the several acts amendatory thereof, are hereby amended, and three sections are added to chapter sixteen of said act, to stand and be known as sections thirty-nine, forty and forty-one, and all acts or parts of acts inconsistent herewith are repealed; said sections so amended and said sections so added to read as follows:

CHAPTER VI.

Mayor, powers
and duties of.

SEC. 2. The mayor shall have power to, and shall appoint all standing committees. He may preside at all meetings of

the council, or he may designate the president of the council to preside at any or all of the meetings. He shall call special meetings of the city council whenever he shall deem it expedient or whenever requested in writing by three or more aldermen. The mayor shall not vote upon any measure except in case of a tie, in which case he shall cast the deciding vote.

SEC. 5. The council shall, at its first regular meeting after any spring election, appoint one of the members to be president of the council. Such president shall, in the absence of the mayor, or in case of his inability to act, perform all the duties of the office of mayor. Such president shall, at the request of the mayor, preside at any or all of the meetings of the council: President, council to appoint, Duties of. Provided, That such president shall not, during Proviso. the time that he shall perform the duties of the office of mayor, because of the temporary absence or inability of the mayor to act, without the consent of the mayor, do or perform any act which shall deprive the mayor of his right to disapprove of any ordinance, resolution or proceeding which may be presented to him by the city clerk for his approval or disapproval, within the time and as provided by the other provisions in this act contained.

CHAPTER X.

SECTION 1. By and with the consent of the city council, the mayor shall appoint a city assessor, whose term of office shall begin on the first day of January, nineteen hundred six, and continue for two years, and every two years thereafter a city assessor shall be appointed in the same manner. Such officer shall have full power and authority to perform all the duties imposed upon him by this act. Assessor, who to appoint. Term of office.

CHAPTER XVI.

SEC. 20. The city council shall have power to cause the public streets, highways, avenues and alleys of said city to be graded, macadamized, paved, repaved, planked or gravelled and otherwise constructed, improved and repaired and the gutters paved. The cost and expense thereof may be paid by the corporation, or the same, or any part thereof may, as the council may by resolution determine, be assessed on the property adjacent thereto and benefited thereby. The term "paved" and "macadamized" shall be deemed to include the construction of gutters, curbing, cross-walks and ballasting. For the purpose of meeting the expense thereof in anticipation of the collection of the assessments and taxes to defray the expense and cost thereof, the city council may by resolution Paving and improving highways, streets, etc. Cost of, how paid. Term paved etc., how constructed. When bonds may be issued.

Corporation may pay for street intersections, etc.	authorize and direct that a sum of money, not exceeding the entire cost of said work, shall be borrowed by the issue of bonds to be known as "Street Improvement Bonds," bearing interest at a rate not exceeding six per cent per annum. At any time before the confirmation of the special assessment roll for paving or macadamizing any street, the city council may determine by resolution that the corporation shall pay the expense and cost thereof for the street intersections and the expense of laying or relaying the water mains, sanitary and storm sewers. In case the city council shall determine by resolution that the corporation shall pay a portion of the expense of the work, or pay for paving or macadamizing the street intersections, or the expense of laying or relaying water mains, sanitary and storm sewers, or any or all of the same, the total amount of the bonds issued shall be divided into two portions. One portion of said bonds shall not exceed the cost of the improvement that is to be assessed to the abutting property, the said bonds shall be known as "Street Improvement Bonds." The other portion shall not exceed the amount that the city is to pay for said work, and the bonds issued to raise the same shall be known as "City Improvement Bonds." Both street improvement bonds and city improvement bonds shall be a direct city obligation. All street improvement bonds and city improvement bonds shall be made payable in equal amounts each year for a period not exceeding seven years from the date of issue, as the city council may direct. The council may provide that all or any part of the street improvement bonds and the city improvement bonds may be retired at the time of any yearly payment of interest by the city council giving the holder of said bonds a written notice of its intention to retire said bonds ninety days previous to the date on which interest falls due. The total amount of city improvement bonds herewith authorized to be issued shall not exceed two hundred fifty thousand dollars outstanding at any one time. All of said bonds shall bear an endorsement giving the nature of the work for which said bonds were issued. Said bonds shall not be sold for less than par and the proceeds thereof shall be paid the city treasurer and by him placed to the credit of the fund to be known by the name endorsed upon the bonds. As rapidly as money is collected upon the special assessment roll for the improvement for which street improvement bonds were issued, the same shall be placed to the credit of a fund to be known as the "Street Improvement Fund." On or before the day that any of said bonds shall fall due, the city council shall transfer or pay into a special fund enough money to pay said bonds. Whenever the council shall direct any of the cost and expense of the improvements, herein authorized, to be assessed to the abutting property the total amount assessed shall be divided into as many equal annual installments as there are years in the term for which the bonds for said improvement were
When bonds divided into two portions.	
One portion, how known.	
Other portion, how known.	
How payable.	
How bonds may be retired.	
Limit of issue.	
How endorsed.	
Special assessment receipts, where credited.	
How assessments divided.	

issued. All of the installments shall draw the same interest as the bonds issued for the improvement. On all installments not paid within thirty days after they fall due there shall be added and collected an additional two per cent as a collection fee. All assessments under this act shall be collected in the same manner and with all the remedies that are prescribed for the collection of other city taxes, except as the same may be in this section varied.

When collection fee added.

Assessment, how collected.

SEC. 39. The city council shall have power to provide for a fund for the perpetual care of lots in the city cemeteries. It may designate the amount that shall be paid by lot owners into said fund. Said fund shall be designated as a trust fund, for the purpose above mentioned and shall be forever non-assessable. The council may at all times designate the officer or officers who shall have custody of the fund and who may invest the fund in any securities approved by the council.

Council may provide cemetery fund.

SEC. 40. The city council shall have power and authority to cause water mains to be laid in the public streets, highways, avenues and alleys in said city. The cost and expense thereof may be paid by the corporation: Provided, That upon a petition of two-thirds of the property owners on a street asking that a water main be laid upon said street and the cost and expense thereof or any part thereof be assessed to the abutting property and upon a resolution of the council in accordance with the terms of said petition, the cost and expense thereof, or any part thereof, may be paid by special assessment on the property adjacent thereto and benefited thereby, in the manner in this act provided for levying and collecting special assessments. All sums paid by such special assessments shall be treated as an advance to the city and shall be used to cancel any tax, assessment or dues, assessed, levied or charged against any person or persons for water used upon said premises until the full amount of the assessment has been rebated.

Water mains, council may cause to be laid.

Proviso, as to assessment of abutting property.

Sums paid, how treated.

SEC. 41. The city council shall have power to provide that the water tax, assessment or dues levied, assessed or charged against any person or persons using water shall become a continuing lien until paid, upon the house or other building where the water was used and upon the lot or lots upon which such house or other building is situated: Provided, however, That the city council shall have the right to provide for the turning off of the water from said premises until said tax, assessment or dues shall be paid, in addition to the right of the city to maintain a lien. Said lien to be enforceable the same as the lien of the regular taxes.

Water tax, etc., to be a lien.

Proviso.

CHAPTER XXIII.

SEC. 13. When any special assessment shall be reported by the city assessor to the city council as this chapter directs, the

Special assessment, where filed.

Notice of
how pub-
lished.

same shall be filed in the office of the city clerk and numbered consecutively. Before adopting such an assessment the city council shall cause notice of the filing of the same with the city clerk and the appointment of a time when the city council and city assessor shall meet to review said assessment, either to be published once each week for two successive weeks in some newspaper published in the city, or to be mailed to the persons whose names appear upon the special assessment roll at their last postoffice address. In case their address is not known said notice shall be mailed to them in care of the general delivery, Kalamazoo, Michigan. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. The notices mailed to the parties may be in the following form:

Notice of Special Assessment.

Form of
notice.

Take Notice: That the roll of the special assessment heretofore made by the city assessor for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) now is on file in my office for public inspection. Notice is also hereby given, that the city council and city assessor of the city of Kalamazoo will meet at the council room in said city on (insert the date fixed upon) to review said assessment, at which time and place, opportunity will be given to all persons interested to be heard.
Dated.....

.....City Clerk.

In case the notice is published there may be prefixed to the above notice the names of the persons against whom the assessment appears.

CHAPTER XXV.

By-laws and
ordinances to
be published.

SEC. 3. No by-law or ordinance shall be of any effect until the same shall have been published at least once in some newspaper printed and published in said city or posted in the office of the city clerk and in two other public places in the city of Kalamazoo and until one week after its enactment. In case the ordinance is posted rather than published, a notice of the enactment of the ordinance, giving its title and the places where the copies have been posted shall be printed once in two newspapers published in the city.

This act is ordered to take immediate effect.

Approved April 6, 1905.

[No. 465.]

AN ACT to detach certain territory from the township of Oscoda, county of Iosco and State of Michigan, and attach the same to the township of Plainfield in the same county.

The People of the State of Michigan enact:

SECTION 1. Township twenty-four north, of range five east, is hereby detached from the township of Oscoda in the county of Iosco and attached to the township of Plainfield in said county of Iosco: Provided, That the moneys now in the treasury of the township of Oscoda and the property now belonging to said township shall remain the moneys and property of the said township of Oscoda, and the said township of Plainfield shall have no right, title or interest therein.

Territory detached.

Proviso as to title of property.

This act is ordered to take immediate effect.

Approved April 6, 1905.

[No. 466.]

AN ACT to legalize the proceedings had in laying out, establishing, constructing and completing a certain pavement in the city of Albion, in the county of Calhoun, and State of Michigan, said pavement being in the special assessment district known as "The Central Superior Street Paving District," and to legalize the assessment and tax therefor.

The People of the State of Michigan enact:

SECTION 1. All the proceedings had in the laying out, establishing, constructing and completion of a certain pavement in the city of Albion, in the county of Calhoun, and State of Michigan, described and known as "The Central Superior Street Paving District," are hereby declared to be legalized, and the taxes assessed upon the rolls of the said city of Albion for the years nineteen hundred three, nineteen hundred four, nineteen hundred five and the remaining installments of said taxes to be assessed for the years nineteen hundred six, nineteen hundred seven and nineteen hundred eight, for the laying out, establishing, construction and completion of said pavement, are hereby declared to be a legal and valid lien upon the property assessed, for the full amount of such taxes, as though the proceedings heretofore had were regular in every particular.

Proceedings legalized.

Tax levy valid.

This act is ordered to take immediate effect.

Approved April 12, 1905.

[No. 467.]

AN ACT authorizing the board of supervisors of Bay county to appropriate certain moneys from the contingent fund of said county, to pay the cost and expense of installing a heating system in the court house thereof.

The People of the State of Michigan enact:

Supervisors
may make
appropriation
for heating
plant.

SECTION 1. The board of supervisors of the county of Bay is hereby empowered and authorized to appropriate from any funds in the contingent fund of said county, not otherwise appropriated, the sum of not to exceed three thousand dollars, to defray the cost and expense of installing a heating system in the court house of said county.

This act is ordered to take immediate effect.

Approved April 12, 1905.

[No. 468.]

AN ACT to empower the common council of the city of Detroit to borrow money for the purpose of improving and enlarging the public lighting plant in the city of Detroit.

The People of the State of Michigan enact:

Council may
borrow
money for
lighting plant.

Amount.

Bond issue
authorized.

How de-
nominated.

Rate of inter-
est.

Controller to
keep record
of bonds.

Premiums and
interest,
where
credited.

SECTION 1. For the purpose of improving and enlarging the public lighting plant in the city of Detroit, the common council of said city, with the approval of the board of estimates thereof, shall have power to borrow upon the best terms it can obtain, and for such time as it shall deem expedient, a sum of money not exceeding one hundred fifty thousand dollars, upon the credit of the city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated public lighting bonds of the city of Detroit, and shall bear interest at a rate not to exceed four per cent per annum, and shall mature in not more than twenty years from the date of issue. The controller of said city shall keep an accurate register of all said bonds issued, showing the number, date and amount of each bond and to whom the same was issued, and the money so raised by said bonds shall be expended solely for the purpose of the improvement and enlarging of said public lighting plant, and the premiums and accrued interest, if any, received on said bonds, shall be credited to the sinking fund.

This act is ordered to take immediate effect.

Approved April 12, 1905.

[No. 469.]

AN ACT to amend sections one and two of chapter two; sections eleven and twenty-four of chapter six; section one of chapter eight; section four of chapter seventeen; section seventeen of chapter twenty of an act entitled "An act to incorporate the city of Grand Ledge, in the county of Eaton, and to repeal act number two hundred sixty of the session laws of eighteen hundred seventy-one, and all acts amendatory thereof," being act number three hundred twenty-two of the local acts of eighteen hundred ninety-three, and being the charter of the city of Grand Ledge, and of all acts and parts of acts amendatory of said sections and chapters.

The People of the State of Michigan enact:

SECTION 1. Sections one and two of chapter two; sections eleven and twenty-four of chapter six; section one of chapter eight; section four of chapter seventeen; section seventeen of chapter twenty of an act entitled "An act to incorporate the city of Grand Ledge, in the county of Eaton, and to repeal act number two hundred sixty of the session laws of eighteen hundred seventy-one, and all acts amendatory thereof," being act number three hundred twenty-two of the local acts of eighteen hundred ninety-three, and being the charter of the city of Grand Ledge, and of all acts and parts of acts amendatory of said sections and chapters, be and the same are hereby amended so as to read as follows: Sections amended.

CHAPTER I.

INCORPORATION AND BOUNDARIES.

SECTION 1. The inhabitants of the city of Grand Ledge, having the qualifications of electors under the constitution of the State of Michigan, to vote at general elections, and no others shall be electors therein. Every elector shall vote in the ward where he shall have resided during the twenty days next preceding the day of election; the residence of any elector, not being a householder, shall be deemed to be in the ward in which he boards or takes his regular meals. Electors, who to be.
Where elector to vote.

SEC. 2. The aldermen of each ward shall constitute the boards of registration for the several wards of the city. Such boards shall severally have the same powers and perform the same duties and in like manner as near as may be as township boards of registration in the State. They shall meet on the Friday and Saturday preceding the general election in November in the year one thousand nine hundred and six, and shall make a re-registration of the qualified electors of their re- Boards of registration, alderman to constitute.
Powers and duties of.
When to make re-registration.

Rules to be observed.	spective wards in books of the form provided by law. The same rules shall be observed in such re-registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward shall be made at a session of the board on the Friday and Saturday preceding the general election in November in the year one thousand nine hundred eight and on the same days every fourth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made. The board of registration for each ward shall also meet on the Saturday preceding any election for the purpose of completing the lists of electors for their respective wards. The general laws of this State respecting the registration of voters shall be deemed and taken as part of this chapter so far as consistent therewith.
Subsequent registration.	
Old register obsolete.	
Notice to be given.	
General laws to govern.	

CHAPTER VI.

POWERS, DUTIES AND COMPENSATION OF OFFICERS.

City clerk, duties of, etc.	SEC. 11. The city clerk shall report to the council whenever required a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid, and the moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require. He may appoint by and with the consent of the common council some suitable person to act as deputy clerk, who shall in the absence of the clerk have all the powers and perform all the duties of the city clerk. The deputy clerk shall be paid by the city clerk and may be removed at any time by two thirds vote of the common council. The city clerk shall receive such annual salary as may be determined by resolution of the council not to exceed two hundred dollars.
May appoint deputy.	
Deputy, how paid.	
Salary of.	
Shall make annual report. What to contain	SEC. 24. They shall make a report to the council in writing and on oath at least once in each month, giving an exact statement of all labor performed by them respectively or under their supervision and the charges therefor, the amount of materials used, the expenses thereof, and the street or place where such material was used or labor performed; and further showing the items and purpose of all expenses incurred since their last preceding report and no payment for labor or services performed, or for expenses incurred by them shall be made until reported on oath as aforesaid; and shall receive such compensation as the council may determine, not exceeding two dollars for each day actually employed.
Compensation.	

CHAPTER VIII.

GENERAL POWERS OF THE CITY.

SECTION 1. The said city of Grand Ledge in addition to such other powers as are conferred by this act, shall have the following general powers and authority, and the council of said city may enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations in relation thereto, and for the exercise of the same, as they may deem desirable, viz.:

To make by-laws, ordinances, etc.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance of the public peace, indecent or disorderly conduct or assemblages and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants and of any association, public or private corporation or congregation therein, and to punish for injuries there-to or for unlawful interference therewith;

Relative to vice, gambling, etc.
Riots.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

Vagrants, disorderly persons.

Third, To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same, and generally to declare what shall be nuisances;

Nuisances.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming, gambling or to play at games of chance, and to punish the keepers thereof;

Disorderly houses.

Fifth, To regulate and license billiard tables, nine or ten pin alleys or tables, and ball alleys, and to punish the keepers thereof;

Billiard tables, ball alleys.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Gaming.

Seventh, To provide by ordinance for the enforcement of the general laws of the State of Michigan, in relation to the manufacture and sale of intoxicating liquors, and in relation to drunkards, drunkenness and intemperance;

Intoxicating liquors.

Eighth, To regulate, restrain, prohibit, or license sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name and nature, for which money or other reward is in any manner demanded or received, lectures on historic, literary, religious, or scientific subjects excepted;

Sports, exhibitions.

- Religious meetings.** Ninth, To prevent and punish the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day;
- Sunday closing.**
- Auctioneers.** Tenth, To license auctioneers, auctions and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to license, regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public bidding, or offers by the buyers or sellers;
- Regulate fees.** and to regulate the fees to be paid by and to any auctioneers; but no license shall be required in case of judicial or other sales required by law to be made, at auction or public vendue;
- Hawkers, pawnbrokers.** Eleventh, To license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sale of peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place within the city for that purpose, or from any stand, cart, vehicle or other device, in or upon the streets, highways, alleys, sidewalks, or in or upon boats, open spaces or places, public grounds or buildings in the city;
- Scavengers, chimney-sweeps.** Twelfth, To appoint, license and regulate scavengers and chimney-sweeps, fix their fees and compensation and prescribe their powers and duties;
- Taverns, saloons, etc.** Thirteenth, To regulate and license all taverns, hotels, and houses of public entertainment, all saloons, restaurants, and places where malt, spirituous or intoxicating liquors are sold;
- To license vehicles.** Fourteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire, in said city;
- Provisions.** Fifteenth, To provide for and regulate the inspection and sale of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meal and other provisions; and to establish and regulate markets and market places, to prescribe the times for opening and closing the same, the kind and description of articles which may be sold, and the stands and places to be occupied by the venders; and to adopt and enforce all such rules and regulations as may be necessary to prevent fraud and preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market of any person violating its regulations together with any articles in his or their possession, and may authorize the seizure and destruction of tainted or unsound meats or vegetables, or other provisions, exposed for sale therein;
- Markets.**
- Inspection of brick, coal, etc.** Sixteenth, To regulate the inspection, weighing and measuring brick, lumber, firewood, coal, hay, and any article of merchandise;
- Weights and measures.** Seventeenth, To provide for the inspection and sealing of weights and measures, and to enforce the keeping and use of proper and just weights and measures by all dealers in said city; and all the laws of this State in relation to the sealers

of weights and measures shall apply to said city, except as herein otherwise provided;

Eighteenth, To regulate the construction, repair and use of all vaults, cisterns, areas, hydrants, pumps, sewers and gutters, and to enact all necessary and proper ordinances in relation thereto;

Vaults,
cisterns, etc.

Nineteenth, To prohibit in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale, or all indecent or obscene pictures, drawings, engravings, paintings, books, pamphlets and all indecent or obscene exhibitions and shows of every kind; and to prohibit or regulate bathing in the rivers, ponds, streams and waters of the city;

Indecent exposure,
pictures, etc.

Bathing.

Twentieth, To provide for clearing the rivers, ponds, streams and waters of said city, of all driftwood, sawdust and noxious matter; to prohibit and prevent the depositing in any of said waters of any sawdust, driftwood, refuse, filth or other matter tending to render the said waters impure, unwholesome or offensive;

Rivers, ponds.

Twenty-first, To compel the owner or occupant of any grocery, tallow chandler's shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, hog-pen or other offensive, nauseous, or unwholesome structure, place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;

Grocery,
butcher shop,
stables, etc.

Twenty-second, To regulate the keeping and storing, selling and using of gun powder, fire-crackers and fire-works, kerosene or other combustible oils and materials, and the exhibition of fire-works, and the discharge of fire-arms, and to regulate and prohibit the making and the lighting of fires in the streets and other open spaces in the city, and to regulate the use of lights in barns, stables and other buildings;

Gun powder,
fire-works,
bonfires.

Twenty-third, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies;

Cellars, barns,
drains.

Twenty-fourth, To prohibit, suppress and prevent mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the maintenance or directing or managing the same;

Mock auc-
tions,
fraudulent
games.

Twenty-fifth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles for hire, and to fix and regulate the amounts and rates of their compensation; and to provide penalties for the violation of any regulations of the council relating thereto;

Solicitors for
hotels, rail-
roads.

Draymen,
porters, etc.

Twenty-sixth, To provide for the protection and care of Paupers.

paupers and poor persons in said city, and to prohibit and prevent all persons from bringing to the city from any other place, any pauper or any person likely to become a charge upon said city, and to punish therefor; and to authorize the removal from the city of all paupers not a legal charge upon said city;

Census. • Twenty-seventh, To provide for taking a census of the inhabitants of the said city whenever the council shall see fit, and to direct and regulate the same;

Direct loca-
tion of certain
buildings. Twenty-eighth, To direct the location of all slaughter houses, markets, and buildings for the storing of gunpowder and other combustible and explosive substance;

Dogs. Twenty-ninth, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; and to regulate and prevent the running at large of dogs, to require them to be muzzled, and to authorize the killing of all dogs not licensed, or at large in violation of any ordinances of the city;

Unwholesome
or offensive
substances. Thirtieth, To prohibit any person from bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive substances, and to require the removal and destruction thereof; to require any person who shall have on his premises any such carcasses or substances, or any putrid meats, fish, hides and skins of any kind, to remove and destroy the same, and on his default, to authorize the removal and destruction thereof as a public nuisance by some officer of the city;

Street noises. Thirty-first, To regulate the ringing of bells and the crying of goods and other commodities at sale at auction, and to prevent disturbing noises in the streets;

To establish
frontage line
for buildings. Thirty-second, To regulate and establish the line upon which buildings may be erected on any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner, builder or other person violating this provision, not to exceed one hundred dollars and costs; and to prevent the erection, and provide for the removal of all buildings deemed unsafe;

Fast driving. Thirty-third, To prevent and punish horse racing and immoderate driving or riding in any street, lane, park or alley, or over or across any bridge in the city, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, lane, park or alley, or over or across any bridge in said city; and to prevent any person from riding or driving upon or across any sidewalk;

Vending of
hay, pro-
visions. Thirty-fourth, To regulate the vending of hay, wood, meats, vegetables, fruit, fish and provisions of all kinds, and to prescribe the time and place for selling the same, and the fees

to be paid by butchers for licenses; to prohibit the sale of unwholesome meat, poultry, fish, vegetables or other articles of food, or provisions, impure, spurious or adulterated wines, spirituous liquors or beer, or knowingly keeping or offering the same for sale, and may authorize the seizure and destruction of tainted or unsound meats, vegetables, fruit, fish and other provisions, exposed for sale: Provided, Nothing herein contained shall authorize the council to restrict in any way the sale of fresh and wholesome meats by the quarter or carcass within the limits of the city;

Tainted meats
provisions,
adulterated
liquors.

Proviso.

Thirty-fifth, To provide for and regulate the lighting of the streets, alleys, and public buildings and places, and regulate the setting of lamps and lamp posts, and for the protection and safety of the same; and to regulate the placing and using of all telegraph, telephone and electric light posts, poles and wires;

Lighting.

Thirty-sixth, To require the owner or occupant of any building, fence or structure that may be ruinous or liable to fall and injure persons or property, to pull down or remove the same; and to authorize the same to be done by the officers of the city at the expense of the owner or owners thereof;

Dangerous
building.

Thirty-seventh, To prescribe the duties of all officers appointed by the council, and not otherwise herein provided, and their compensation, and the penalty or penalties for failing to perform such duties;

Duty of ap-
pointive
officers.

Thirty-eighth, To sell or otherwise provide for disposing of all dirt, filth, manure and debris lying in or gathered from the highways, streets, avenues, lanes, alleys or public places, and all earth to be removed therefrom, or from public squares and grounds of said city, in grading, paving or otherwise improving the same;

Dirt, filth,
debris.

Thirty-ninth, To provide grounds and places, either within or without the city, on which to deposit the rubbish, garbage and refuse material in and about the city, and to require the owners and occupants of any lot, building or premises in the city to remove therefrom any and all rubbish, garbage and refuse material found thereon or therein, and to deposit the same on such grounds;

Rubbish,
garbage.

Fortieth, To control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used, and to provide for the preservation of and prevention of wilful injury to gutters in said highways, streets, lanes and alleys;

Streets and
highways.

Forty-first, To prevent the exhibition of signs on canvass or otherwise in and upon any vehicle standing or traveling upon the streets of said city;

Signs on
vehicles.

Forty-second, To prohibit all practice, amusements and doings in said streets having a tendency to frighten teams or horses, or dangerous to life or property;

Amusements
in streets.

Forty-third, To prescribe the places or stands in the streets of said city within which any vehicle may be kept for hire, and to regulate such stands and places;

Stands for
vehicles.

- Toy pistols, etc.** Forty-fourth, To prohibit and punish the use of toy pistols, sling-shots, and other dangerous toys or implements within said city;
- Alms-house.** Forty-fifth, To establish, organize and maintain an alms-house department to purchase necessary grounds, erect and provide for the erection of necessary buildings therefor, either within or without the city limits, and to appoint the necessary officers therefor, and to provide for the government thereof;
- Hitching of horses.** Forty-sixth, To require any horse, horses, mules or other animals attached to any vehicle, or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held;
- Hitching posts.** Forty-seventh, To regulate the placing and provide for the preservation of horse or hitching posts;
- Care of public property.** Forty-eighth, To provide for the care, custody and preservation of the public property of the city;
- Public fountains, reservoirs.** Forty-ninth, To provide for, establish, regulate and preserve, all such public fountains and reservoirs within the city as in the opinion of the council the convenience of the inhabitants may require; and also all such troughs and basins for watering animals as they may deem proper;
- Contagious diseases of domestic animals.** Fiftieth, To protect the health of the domestic animals of the city from all contagious and infectious diseases, and for such purpose are authorized and empowered to provide for and establish, maintain and enforce such quarantine, sanitary and other regulations as may be deemed necessary. To appoint one or more inspectors of live stock, prescribe their duties and fix their compensation. To provide for and regulate the inspection, by such inspectors or otherwise, of all domestic animals within the city, suspected of being affected with any contagious, infectious or loathsome disease. To require any and all persons who discover, suspect or have reason to believe that any domestic animal within the city is affected with any such disease, to immediately report such fact, belief or suspicion to such inspector, or such other officer as the council may prescribe, and to provide penalties for neglect or failure to make such report or reports. To provide for the killing of any domestic animal affected with any infectious, contagious or loathsome disease within the city, as well also any such animal as has been exposed to any infectious or contagious disease, and to provide for the appraisal of any animal that may be killed as aforesaid, and for paying the owner thereof its value at the time of such destruction;
- Inspectors of live stock.**
- Persons required to report diseases.**
- Killing of infected animals.**
- Enact ordinances for safety, order, etc.** Fifty-first, And further the council shall have authority to enact all ordinances and by-laws, and to make all such regulations, consistent with the laws and constitution of this State, as they deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants

thereof, and to enforce the same and to provide such fines and penalties as they may deem proper for the violation of any of the ordinances, by-laws or regulations so enacted; but no exclusive rights, privileges or permits for a longer period than thirty years shall be granted by the council to any person or persons, or to any corporation or co-partnership for any purpose whatever.

Provide penalties.

Term of permits, etc., limited.

CHAPTER XVII.

STREETS, BRIDGES AND PUBLIC GROUNDS.

SEC. 4. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street or alley in the city whenever they shall deem the same as a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner provided in this act and by the general laws of this State for taking private property for public use. The expense of such improvement including the amounts paid for private property taken up for public use may be paid by special assessments upon the property adjacent to or benefited by such improvement in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such cost and expenses may be paid by special assessments as aforesaid and the balance from the general ward street fund of the ward in which such improvement is located.

Council may lay out, alter, or abolish streets.

May take private property.

Special assessment for improvements.

CHAPTER XX.

COSTS OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

SEC. 17. When any such special assessment roll has been confirmed by the council in the manner herein provided for, the clerk, unless otherwise directed by the council, shall immediately indorse his warrant thereon directing the treasurer to collect from the several persons therein named the sums of money assessed against the lots, blocks, parcels of land, and premises belonging to them respectively, and from the owners of the lots, blocks, parcels of land, and the premises thereon marked "unknown" the sums assessed upon and against the same respectively within thirty days from the date of such warrant, and deliver such special assessment roll with his warrant, thereon as aforesaid to the treasurer. The council may direct that such warrant shall be attached at some other or future time in which case such warrant shall be attached by the clerk as aforesaid at the date fixed upon by the council and then immediately delivered to the treasurer as aforesaid.

Clerk's warrant to treasurer, what to state.

When delivered.

Council may fix time of attaching warrant.

Form of.
warrant.

Such warrant may be substantially in the following form:

State of Michigan,

City of Grand Ledge—ss.

To the Treasurer of the City of Grand Ledge:

You are hereby directed to collect from the several persons named in the foregoing assessment roll, the sums of money assessed against the lots, blocks, parcels of land and premises belonging to them respectively, and also from the owners of the lots, blocks, and parcels of land, and premises therein marked "unknown" the sums assessed upon and against the same respectively within thirty days from the date hereof, and to make return of your doings hereunder as provided by law.

Dated, Grand Ledge,

.....Clerk.

This act is ordered to take immediate effect.

Approved April 10, 1905.

[No. 470.]

AN ACT to amend act number four hundred sixteen of the local acts of nineteen hundred one, entitled "An act to amend sections one, two, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty and thirty-three of an act entitled 'An act to establish a police government for the city of Detroit,' approved April seventeen, eighteen hundred seventy-one," by adding one new section thereto to be known as section thirty-four a.

The People of the State of Michigan enact:

Act
amended.

SECTION 1. Act number four hundred sixteen of the local acts of nineteen hundred one, entitled "An act to amend sections one, two, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty and thirty-one of an act entitled 'An act to establish a police government for the city of Detroit,' approved April seventeen, eighteen hundred seventy-one," is hereby amended by adding a new section thereto to stand as section thirty-four a, the same to read as follows:

Furlough,
number of
days in.
Proviso.

SEC. 34a. The leave of absence of each and every policeman and officer in said police department shall be a furlough of twenty days in each and every year: Provided, At least ten of the days of such furlough shall be consecutive.

Approved April 13, 1905.

[No. 471.]

AN ACT relative to applications for the locating, establishing, cleaning out, straightening, deepening, widening or extending of drains, in Kent county and Tuscola county.

The People of the State of Michigan enact:

SECTION 1. Hereafter all applications made to the county drain commissioners of Kent county and Tuscola county for the locating, establishing, cleaning out, straightening, deepening, widening or extending of any drain in said counties shall be signed by freeholders owning not less than one-third of all lands liable to an assessment for benefits on such drain. Applications, by whom signed.

This act is ordered to take immediate effect.

Approved April 13, 1905.

[No. 472.]

AN ACT to authorize the village of Hubbell, in the county of Houghton, to raise money by the issue of bonds for the construction of a water works in said village, and its use therefor.

The People of the State of Michigan enact:

SECTION 1. The common council of the village of Hubbell, Michigan, is hereby authorized and empowered to borrow money on the faith and credit of said village and issue bonds therefor to an amount not to exceed thirty thousand dollars, which shall be expended by said common council in constructing water works in said village: Bond issue authorized. Provided, That two-thirds of the electors of said village shall vote, at a special election to be called for such purpose by said council, in a like manner as at a general election of said village, in favor of the making of such loan within the authority conferred by this act. Proviso.

SEC. 2. Said election shall be conducted in all its details, and the vote on said proposition canvassed, certified and returned in like manner as now provided by the existing provisions of law for the conduct of the general annual elections of said village in the month of March. Manner of conducting election.

SEC. 3. If such loan shall be authorized by a majority of two-thirds of the electors so voting thereon, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times with such rate of interest, not exceeding five per centum per annum, as the common coun- How issued, signed and sealed.

How
negotiated.

To raise
amount by
tax.

Vote by bal-
lot.
Form of.

cil shall direct, and shall be signed by the president and clerk of said village and countersigned by the treasurer, and sealed with the seal of the village; said bonds shall be negotiated by and under the direction of said common council, and the money arising therefrom shall be appropriated in such manner as said common council shall determine for the purpose aforesaid, and the common council shall have power, and it shall be the duty of said body, to raise by tax upon the taxable property of said village such sum or sums of money as shall be necessary and sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall mature or become due.

SEC. 4. All votes given under the provisions of this act shall be by ballot. Those voting in favor of the loan shall have written or printed on their ballots "For the loan," and those voting against the loan shall have written or printed on their ballots "Against the loan."

This act is ordered to take immediate effect.

Approved April 13, 1905.

[No. 473.]

AN ACT to authorize the township of Republic, in the county of Marquette, to borrow money and issue its bonds therefor, for the purpose of constructing and maintaining water works, electric light plant and sewer systems in said township, and to provide a tax for the payment of said bonds and interest thereon.

The People of the State of Michigan enact:

Bond issue
authorized.

Amount.

Rate of in-
terest.

When bonds
may issue.

Question to be
submitted to
electors.

SECTION 1. The township board of the township of Republic, in the county of Marquette, is hereby authorized and empowered to borrow a sum of money not exceeding twenty-five thousand dollars, on the faith and credit of said township, and to issue the bonds of said township therefor, payable at such time not exceeding twenty years, and in such manner as the township board of said township shall direct, and bearing a rate of interest not exceeding five per cent per annum, payable annually, which money shall be used in constructing and maintaining water works, electric light and sewer systems in said township.

SEC. 2. Such money shall not be borrowed nor such bonds issued, unless two-thirds of the qualified electors of said township, voting at an annual township meeting in said township, or a special township meeting in said township, called or ordered by the township board at any time after the taking effect of this act, shall vote in favor of said proposition; and the said township board is hereby authorized and empowered

to submit the question of said loan to the qualified electors of said township, at such annual or special township meeting, giving due notice thereof, by causing the date, place of voting and object of said election to be stated in printed or written notices posted in at least five public places in said township and published in a newspaper printed and published in said township, if there be one, not less than fifteen days prior to said election, which notices shall state the amount of money proposed to be borrowed.

SEC. 3. The proposition of issuing the said bonds provided for in section one of this act, shall be submitted to the electors by ballot, which ballot shall be written or printed or partly written and partly printed, and be of the following form: "For issuing township bonds for constructing and maintaining water works, electric light and sewer system—Yes. []" "For issuing township bonds for constructing and maintaining water works, electric light and sewer system—No. []" Said vote shall be canvassed the same as the ordinary vote cast at township meetings, and if upon the canvassing of said vote, it shall be found that two-thirds of the electors voting upon said proposition have voted in favor of said proposition, the said township board shall be authorized to issue the bonds of said township as provided for in the first section of this act.

SEC. 4. It shall be the duty of the township board of said township, to raise by tax upon the taxable property of said township, in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds, accruing and becoming payable thereon, and to pay the principal when due.

SEC. 5. The interest upon such bonds shall be payable by the treasurer of said township after the same shall become due on presentation at the place where said bonds are made payable, of the proper coupons, and the said principal shall be payable by the said treasurer after the same shall become due, upon presentation and surrender at the place where made payable, of the said bonds.

This act is ordered to take immediate effect.

Approved April 13, 1905.

[No. 474.]

AN ACT to incorporate the city of Rose City, in the county of Ogemaw, as a city of the fourth class.

The People of the State of Michigan enact:

SECTION 1. The territory in the county of Ogemaw and State of Michigan described as follows, to-wit: The south Territory de-
tached.

one-half of section thirty-one, in township twenty-four north, of range three east, and the north one-half of section six, in township twenty-three north, of range three east, is hereby detached from the townships of Rose and Cumming respectively, and the said territory so detached is hereby incorporated as the city of Rose City.

First ward. SEC. 2. The said city shall be divided into three wards as follows: The first ward shall embrace all that portion of the city of Rose City lying east of the line extending to the city limits at the north and the south, and passing through the center of Bennett and William streets. The second ward shall embrace all that portion of the said city of Rose City lying north of Main street and west of the west boundary of the first ward. The third ward shall embrace all that portion of the said city of Rose City lying south of Main street, and west of the west boundary of the first ward.

Certain act to govern. SEC. 3. The said city of Rose City shall, in all things not herein provided for, be governed and its powers and duties defined and limited by an act entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of eighteen hundred ninety-five, approved May twenty-seven, eighteen hundred ninety-five, and all acts amendatory thereto, except so far as the same may be inconsistent with this act.

School district not to be changed. SEC. 4. The incorporation of the city of Rose City shall in no manner change the boundaries of school district number one fractional, of the township of Cumming, but the same shall continue to be a graded school district, and no change shall be made in the manner or time of electing its district officers, or in the management or control of said district; and it shall be governed in all matters as provided for in the general school laws for the government of fractional school districts in townships: Provided, That all taxes to be levied upon taxable property in said district number one fractional shall be certified by the district board to the city clerk of the city of Rose City and also to the township clerk of the townships of Rose, Cumming and Klacking, in which such district is in part situated; and said city clerk shall certify the same to the assessor of the city: And it is further provided, That the taxes voted for school purposes in said district shall be apportioned at or before the time of the meeting of the board of supervisors of Ogemaw county in annual session in October of each year.

City assessor, duty of, etc. SEC. 5. The city of Rose City shall comprise a single assessment district, and assessment of property and spreading of taxes shall be made thereon by a city assessor, who shall be elected annually at the regular city election, and who shall perform all the duties and be governed by all the provisions of law applicable to assessors appointed by the city council under said act number two hundred fifteen of the public acts of eighteen hundred ninety-five, as amended. His salary shall

Salary of.

be determined by a two-thirds vote of all the aldermen elect, at a regular meeting of the city council.

SEC. 6. It shall not be necessary for the city of Rose City to create and constitute a board of public works as provided in the act governing fourth class cities. Not to create board of public works.

SEC. 7. The city board of review shall consist of the mayor of said city, the city assessor and two electors appointed by the mayor by and with the consent of the council. Board of review, who to compose.

SEC. 8. The mayor and aldermen of said city of Rose City shall serve without compensation. No compensation for mayor and aldermen.

SEC. 9. There shall be one supervisor at large, who shall be elected annually at the regular city election, and who shall be a member of the board of supervisors of the county of Ogemaw, and as a member of such board shall be entitled to receive the same compensation from said county as other supervisors for attendance upon said board, and shall have all the rights, privileges and powers of the other members of the board of supervisors. Supervisor at large. Compensation, etc.

SEC. 10. Persons engaged in the business of selling liquors at retail under act three hundred thirteen of the public acts of eighteen hundred ninety-seven and amendment thereto may obtain the sureties upon the bonds required by said act in said city of Rose City or within any township contiguous thereto. Liquor bonds.

SEC. 11. For the purpose of holding the first election in said city, F. G. Bell, H. S. Karcher and A. S. Rose are hereby designated as election commissioners whose duty it shall be immediately after the passage of this act to provide for the general election to be held in said city on the first Monday in April, nineteen hundred five, and if not sufficient time shall remain to give notice of said election, then to call a special election in said city. They shall give notice by posting notices in three public places in each ward and by publication in a newspaper printed and published in said city, if there be one, three days before said election, of the time and place in each ward of holding said election and of the city and ward officers to be elected, and two days before the day of registration of the time and place in each ward when the inspectors of election will meet on the Saturday previous to said election to make a registration of the electors of said city. They shall also procure all necessary books, paper, pencils, ballots and other material necessary to hold the first registration of voters and electors in said city. Said election commissioners shall appoint two electors in each ward, who with one of said election commissioners designated by them shall act as inspectors of election in each ward. Said election commissioners shall receive and canvass the votes of the several wards as returned by the inspectors, and shall determine the results and issue certificates of election to each of the successful candidates and shall perform such duties as are First election commissioners. Duty of. Notice of election, how given. Registration notice. Procure books, ballots etc. Appoint election inspectors. Canvass votes and determine result.

provided for in act two hundred fifteen of the public acts of eighteen hundred ninety-five and amendments thereto.

This act is ordered to take immediate effect.

Approved April 13, 1905.

[No. 475.]

AN ACT to authorize the village of Elk Rapids, in Antrim county, Michigan, to borrow money for use in building a bridge across Elk river in said village and to issue bonds therefor.

The People of the State of Michigan enact:

Bond issue authorized.

SECTION 1. The village of Elk Rapids, in Antrim county, is hereby authorized and empowered to borrow, on the faith and credit of said village, the sum of ten thousand dollars or less, due at not to exceed ten years from the date of issue, bearing not to exceed five per centum per annum of interest, and to execute the bonds of said village therefor.

Rate of interest.

Question submitted to electors.

SEC. 2. Such money shall not be so borrowed, nor such bonds so issued, unless a majority of the qualified electors of said village, voting at a special election to be called for the purpose of voting on said loan, shall so determine. And it is hereby made the duty of the common council of said village to give due notice that the question of issuing said bonds will be voted on at said special election by posting in five public places in said village, not less than ten days before said special election, written or printed notices, which notices shall state the date, place and amount of money proposed to be borrowed and the purpose to which it shall be applied.

Notice of election.

Form of ballot.

SEC. 3. The vote upon such proposition shall be by ballot, either printed or written, or partly printed or written. Ballots in favor of such proposition shall be in the following words: "For the Loan;" and ballots against the loan shall be in the following words: "Against the Loan." And it shall be the duty of the said common council to provide at the polls of said special election during the whole time that the same shall be open, a sufficient number of ballots, both for and against such proposition, printed or written, in the form above indicated, and to furnish the same to all electors desiring to vote thereon. Said special election shall be conducted and governed in all other respects under the provisions contained in act number three of the public acts of eighteen hundred ninety-five of the State of Michigan, as amended.

Certain act to govern.

To raise amount by tax.

SEC. 4. The said common council shall have the power and it shall be their duty to raise by tax upon the taxable property of the village, such sum or sums, as shall be sufficient to

pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved April 13, 1905.

[No. 476.]

AN ACT to provide for primary elections in Alpena county and to prescribe a penalty for violations thereof.

The People of the State of Michigan enact:

SECTION 1. The words "primary" or "primaries," as used herein, shall be construed to mean an election as hereinafter provided for deciding by ballot who shall be the nominees of the respective political parties for the next ensuing election or the selection for delegates to any convention or members of committees of any political party. Words, how construed.

SEC. 2. On the third Tuesday preceding any election at which members of the State legislature and county officers are to be elected, a primary election shall be held in the several townships of said county and in the various wards of the city of Alpena, as the case may be, for the nomination by direct vote of all elective officers for said county and representative in the State legislature for the Alpena district, except for those officers that are hereinafter specified and excepted, viz.: All school district officers. On the second Tuesday preceding any charter election in the city of Alpena, a primary election shall be held in each of the various wards of the city of Alpena for the nomination of all city and ward officers, as the case may be, and in the several townships of the county of Alpena for the nomination of all township officers, at which each of the several political parties shall elect by ballot, according to the provisions of this act, a chairman of the county committee, and, in each of said townships, shall choose for and from such township one member of the county committee. In the said primaries in the various wards of the city of Alpena shall be chosen a chairman of the city committee, and each ward shall choose one committeeman for and from such ward to be a member of the city and county committee; each committeeman's term of office shall be for two years from and after his election or, until, in like manner, their successors are elected. The chairman of the city committee shall be ex officio vice chairman of the said county committee; the said county committee shall choose its own secretary and treasurer and the said city committee shall choose its own secretary and treasurer. For the purpose of this act, no officials of any political committee shall be recog- Primaries, when held. Officers nominated. Primaries for city and township officers, when held. County committee. City committeemen. Term of office. Vice chairman, who to be. Organization of committees.

Delegates to conventions, when elected.	nized except those chosen and elected under the provisions of this act. At the primary immediately preceding the spring election in each year during which the following named officers are to be elected, there shall be elected by ballot, according to party usage and the provisions of this act, delegates to the judicial convention for the twenty-sixth judicial circuit, for the senatorial convention for the twenty-ninth senatorial district, for the congressional convention for the tenth congressional district and the State conventions to be held during the ensuing year: Provided, That if any State convention be called between the time fixed herein for the election of new delegates, the delegates last elected to attend the State convention shall act as such until the election of other delegates shall be had under the terms of this act. Said county and city committeemen and members of the township and ward committees and delegates to the several conventions, as aforesaid, shall be named by petitions as hereinafter provided for other county, city, village, ward and township officers.
Proviso.	
Who declared nominated.	SEC. 3. The primary election of all political parties shall be held at the same time and place and in the manner provided for in this act, and the person, or persons, who receive on each party ballot the greatest number of votes for the nomination for any office shall be the candidate of his party for that office or position at the next ensuing election: Provided, That said person or persons shall receive twenty-five per cent of all the votes cast for the nomination for said office at the said primary election, otherwise no person shall be declared nominated for said office at said primary and the selection of a candidate for such office shall be made as hereinafter provided. The inspectors of election and other officers of all primary elections provided for in this act shall be compensated as are inspectors of general elections in said county, city or township under the laws of this State, except as herein provided.
Inspectors, compensation of.	
Candidates shall file petitions.	SEC. 4. Before the name of any person shall be placed upon the primary election ballot of any party, there shall be filed in the office of the clerk of Alpena county, or of the recorder of the city of Alpena, as the case may be, a petition or petitions signed by qualified voters, as hereinafter provided, belonging to the political party of which it is desired to have such person become a candidate for any office, petitioning that such a person (naming him) become a candidate for nomination for such office and requesting that the name of such person be printed upon the official primary election ballot as a candidate of said political party for said office.
What to state.	In case it is desired to have such person become a candidate for representative to the State legislature or for county office in said county, such petition or petitions shall be filed in the office of the county clerk and shall be signed by at least two per cent in number of the qualified voters belonging to said political party and residing in said county of Alpena as shown
In case of legislative candidate	

by the vote for Secretary of State at the last general election held therein. In case it is desired to have such a person become a candidate for office in said city of Alpena, such petition or petitions shall be filed in the office of the recorder of said city of Alpena, and shall be signed by at least two per cent in number of the qualified voters belonging to said political party and residing in the said city of Alpena as shown by the vote for city recorder at the last charter election held in this city. In case it is desired to have such a person become a candidate for any ward office in said city of Alpena, such petition or petitions shall be filed in the office of the recorder of said city and shall be signed by at least two per cent of the qualified voters belonging to said political party and residing in the said ward of the city of Alpena as shown by the vote in said ward at the last charter election held in said city for the office of city recorder. In case it is desired to have such person become a candidate for any township office in said county, such petition or petitions shall be filed in the office of the township clerk of said township and shall be signed by at least two per cent of the qualified voters belonging to said political party and residing in said township as shown by the vote in said township at the last preceding general election held in said township for the office of Secretary of State. In case it is desired to have such person become a candidate for chairman of the county or city committee or delegate to any convention such petition or petitions shall be filed in the office of the county clerk or city recorder, as the case may be, and shall be signed by at least one per cent of the qualified voters belonging to said political party and residing in the said county or city of Alpena, as the case may be, as shown by the vote in said county or city of Alpena, at the last preceding general election held in said county or city as the case may be, for the office of the Secretary of State. In case it is desired to have such person become a candidate for member of any township or ward committee, such petition or petitions shall be filed in the office of the township clerk or city recorder, as the case may be, and shall be signed by at least two per cent of the qualified voters belonging to said political party residing in such township or ward, as the case may be, as shown by the vote in said township or ward at the last preceding general election held therein for the office of Secretary of State. No person shall sign a petition for more than one person to become a candidate for the same office at such primary election; such petition or petitions shall be filed in the office of said county clerk or of said recorder of the city of Alpena, as the case may be, not later than five o'clock in the afternoon of the tenth day before the time the said primary election herein appointed to be held and may be substantially in the following form:

"We, the undersigned, residents in, State of Michigan, and qualified voters therein, and belonging to the

City candidate.

Ward candidates.

Candidate for township office.

Chairman of political committee or delegates to conventions.

Township or ward committeemen.

No person to sign more than one petition.

When filed

Form of.

..... party, do hereby petition that, who resides in the, county of Alpena, State of Michigan, become a candidate for the nomination for the office of, to be made at the primary election of said party to be held upon the day of, 19..., and we do hereby request that the name of said above named person be printed upon the official election ballot, as provided by law, as a candidate of the party for said office."

When name
placed on
ballot.

If the person so named in said petition or petitions shall be eligible for said office and unless such person shall file in the office of said county clerk or of the recorder of the city of Alpena, as the case may be, before five o'clock in the afternoon of the eighth day before the primary election his written refusal to become a candidate for the nomination for said office signed by him, the county clerk or the recorder of the city of Alpena, as the case may be, shall place, or cause to be placed, the name of said person upon the official primary election ballot of the designated party as herein provided. All petitions for nominations for township officers and members of county or township committees shall be certified by the township clerks to the county clerk at least seven days before holding such primary election.

Township
petitions, how
certified.

Vote by
ballot.

When ballots
prepared.

SEC. 5. The method of voting at said primary election shall be by ballot and all ballots voted shall be printed and prepared as hereinafter provided. On the seventh day before any primary election, the county clerk or the recorder of the city of Alpena, as the case may be, shall group all of the candidates for each political party by themselves and shall at once prepare in writing separate ballots for each political party. A copy of each party ballot shall be posted in some conspicuous place in said clerk's or recorder's office for the purpose of inspection at least six days immediately preceding the day upon which each of said several primaries are herein appointed to be held. The official ballots for said primary election shall be printed by or under the direction of the board of election commissioners of the county of Alpena, or of the city of Alpena, as the case may be, for each political party upon tinted paper. The official ballot for each political party shall be separate and shall be of a different tinted paper from those of any other political party and shall be about in the following form:

Copy of, to be
posted.

By whom
printed.

Political
parties to
have separate
ballots.

Form of.

(Name of Party)

PRIMARY ELECTION BALLOT.

Instructions.

You can vote for only one candidate for each office. Mark a cross (X) in the square in front of the name of the person for whom you desire to vote. In case you desire to vote for

an elector not appearing upon the ballot, paste his slip, or write his name, in the blank space appearing after the office for which you desire said elector to be nominated.

Sheriff:	<input type="checkbox"/> John Smith	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
Judge of Probate:	<input type="checkbox"/> Paul Jones	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
County Clerk:	<input type="checkbox"/> James Green	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Upon each ballot shall appear by proper designation the political subdivisions, as county, city, ward or township, etc. General arrangement of ballot. Every party ballot shall be numbered consecutively, and as provided for numbering of ballots by the general election law. The names of the candidates for each political party shall be printed on a separate ballot with the name of the party at the top thereof in large letters. When there is more than one candidate for the same office or position, the proper boards of election commissioners shall determine by lot the order in which such names shall be printed upon the ballot. In the column upon the left of the ballot shall be printed the title of office to which nominations are to be made, also of committees or delegates to be elected and under each title the number of candidates for which each elector may vote. Opposite of title to any office or other position shall be printed names of all candidates for such position or office consecutively from left to right in the order in which said election commissioners shall have determined, by lot, and to the left of each name shall be a square, and at the right of said names shall be a blank in which any person may write the name of a candidate he may desire to vote for whose name does not appear upon such official ballot by making a cross at the left of said name in said square. In voting said primary election ballot, the instructions herein set forth shall be followed.

SEC. 6. It shall be the duty of said county board of election commissioners or the election commissioners of the city of Alpena, as the case may be, to provide and prepare a sufficient number of ballots to be used at such primary elections, at least two ballots to every elector of each party according to the number of votes cast at the last preceding general election held in each of the townships or wards of said city, as the case may be, for the office of Secretary of State. A proof of each party ballot shall be placed on file in the office of the said city recorder of the city of Alpena, or the county clerk of said county, as the case may be, to be open for the public inspection of the candidates named thereon or other persons at least three days prior to said primary election. The ballots shall be delivered by the said respective election commissioners of the city or county, as the case may be, to the several chairmen of the several boards of inspectors of Number of ballots furnished. Where proof of ballot filed. Delivery of ballots, general laws to govern.

Proviso. said primary election in the several wards of the said city of Alpena and of the townships of the said county and election districts therein, in the manner provided by the general election laws of the State of Michigan for the delivery of ballots: Provided, That said city or said county election commissioners, as the case may be, shall cause to be printed, entitled and designated as such, one-half as many sample ballots upon white paper as have been printed of the official primary election ballots.

Duty of printer. SEC. 7. It shall be unlawful for the printer of such ballots, or any other person, to give or deliver to any one, except such election commissioners, or to knowingly permit any of said ballots to be taken by any person other than the said city or county election commissioners for which such ballots are being printed; to print, or to cause or to permit to be printed, any primary election ballot in any other form than the one prescribed by this act, or with other names thereon or with names misspelled, or the names arranged in any other way than that authorized and directed by said city or county election commissioners as the case may be.

Elections, where held. SEC. 8. The primary elections shall be held in the voting precincts in the said city of Alpena or said townships of the county of Alpena in the places designated by the officers whose duty it is to designate the places for holding elections. At least ten days prior to the date herein fixed for holding such primary elections, the city marshal of the city of Alpena and the sheriff of Alpena county, if county or legislative officers are to be nominated, shall give notice of the holding of such election, which notice shall be either written or printed and be delivered to the township clerk of each township and to the several chairmen of the several boards of primary election inspectors in said city or to each or all of them, as the case may be, the notice required by the general election law or provided by the charter of the city of Alpena, as the case may be, for elections; and the notices for the registration of electors shall be required to be given with reference to all primary elections; said notices shall also designate the office or offices for which candidates are to be chosen.

Boards of registration, duty of. SEC. 9. It shall be the duty of each of the boards of registration in the several voting precincts in the said county and wards of the city of Alpena in addition to all other duties now required of them by law, at the same time and place now required of them by law, for meeting of the said boards, to register in a separate book to be furnished and kept for that purpose, all qualified electors who will be entitled to vote in such precincts at the next election held therein, except those electors who shall decline to declare to such several boards their party affiliation, and when so registered such electors may vote at the primary elections provided to be held in this act, but no elector not so registered shall be entitled

to vote at such primaries. The electors applying for registration to vote in such primaries shall furnish said boards the following detailed information: Information required of electors.

- (a) His name;
- (b) His age;
- (c) His place of residence in said precinct;
- (d) Whether native or naturalized;
- (e) The name of the political party with which he has been affiliated;
- (f) The name of the political party with which he intends in the future election to be affiliated.

All of such detailed information so furnished by electors to such board shall be set down in said book in separate columns opposite the name of said elector so registered. If in the event that any elector refuses to furnish said board with said information, it shall be the duty of said board to refuse to register the said elector so refusing, and he shall not be entitled to vote at such primaries. It is hereby made the duty of the county clerk for said Alpena county to purchase and furnish to each of the boards of registration in the several voting precincts in the townships of the county of Alpena, books for the proper registration of said electors and said books shall be known as the primary election register. It shall be the duty of the said recorder of the city of Alpena to procure and furnish to the boards of registration in the various wards of said city, books for the proper registration of said electors and said books shall be known as the primary election register. The cost and expense of furnishing said books above referred to shall be paid for by the county of Alpena and the city of Alpena, as the case may be. Said registration books, when said boards have finished the registration of voters in the said several precincts, shall in the city of Alpena be returned to and kept by the said recorder; and in the several townships shall be returned to and kept by the township clerk in his office. All of said books, when so returned and in the office of the said recorder of the city of Alpena, and in the clerk's office of the townships shall be opened to party inspection at all convenient times. It is hereby made the duty of the said recorder to deliver said primary election registers to the chairmen of the various boards of primary election in said city before the opening of the polls on the day any primary election is to be held in said city. It is hereby made the duty of each of the several township clerks to deliver said primary election registers to the chairmen of the boards of said primary election inspectors on the day, and for use, at any primary election to be held in the said several townships. After the close of the polls and the canvass of the votes has been completed by the various boards, the primary election inspectors shall return the said register forthwith to the said recorder of the city of Alpena and to the clerks of the various townships of the county of Alpena: Information how registered. When elector not entitled to vote. Duty of county clerk. Duty of city recorder. Expense, by whom paid. Books, by whom kept. When registers to be delivered to election boards. When registers returned. Proviso. Provided, That such registration shall be made only once in two years.

Arrangement
of polling
places, booths,
etc.

SEC. 10. The following sections of the general election law relating to the arrangement of polling places, the ballot boxes, booths, number of inspectors, except as herein designated and clerks are hereby made applicable to primary elections under this act, to-wit: Sections three thousand six hundred thirty-one, three thousand six hundred thirty-two, three thousand six hundred seventeen of the compiled laws of the year eighteen hundred ninety-seven as amended, except as herein otherwise provided.

Opening and
closing of
polls.

Proviso.

SEC. 11. The polls in the several voting precincts on the day fixed for holding primary elections shall be opened for the purpose of voting from four o'clock p. m. until eight o'clock p. m. local time: Provided, That in the townships the polls shall be opened for the purpose of voting from one o'clock p. m. until five o'clock p. m. local time. The polls shall be opened by proclamation and proclamation shall be made that the polls will be closed at least one-half hour before the closing of the same.

Elections,
where held.

Proviso as to
changing
places of
election.

SEC. 12. The places for holding said primary elections shall be designated in the townships by the township board, and in the city of Alpena by the common council thereof: Provided, That in case for some unknown reason, any of the places selected cannot be obtained for holding said election after the same have been determined upon by the said township board or common council, as the case may be, said board or council shall have authority to change the places before designated for holding said primary election, and to give due notice thereof by posting five notices in the most public places, if in the townships, and if in the city of Alpena, by publishing such notice of the change of place in the Alpena Pioneer, Alpena Evening News, Alpena Argus and Alpena Evening Echo, if said newspapers are then being published.

Election in-
spectors, who
to act as.

Proviso as to
vacancies.

SEC. 13. The board of election inspectors in the various townships of said county and in the several wards of said city shall consist of five members, one of whom shall act as clerk. The chairmen of the township committees of the various political parties shall be the inspectors of election in townships; the chairmen of the ward committees of the several political parties shall be the inspectors of election in the various wards of the city of Alpena: Provided, That if at the opening of the polls at said primary election there shall be any vacancies upon said board of election inspectors, then the voters present shall by a viva voce vote elect some qualified elector or electors then present to fill any vacancy or vacancies upon said board. The inspectors of election in townships shall be paid for their services upon said board and other work incident to the said primary elections, including the making of returns, the sum of one dollar each. The inspectors of election in the various wards of the city of Alpena shall be paid for their services upon said board and the work incident to the said primary elections, including the making

Compensation
of, in town-
ships.

In Alpena
city.

of returns, the sum of fifty cents each. Said expenses of holding said election shall be audited and paid in the same manner as provided by law for the payment of election expenses. No person who is a candidate for public office or for nomination at the said primary election shall be an inspector of election. If any of the said inspectors are candidates for public office, the electors present at the opening of the polls shall fill his place as hereinbefore provided in case of vacancies: Provided, That candidates for members of the city or county committees or delegates may be inspectors of election.

How paid.

Persons not eligible.

Proviso.

SEC. 14. Every elector in the county of Alpena who will be entitled to vote at the election next ensuing for which candidates are to be nominated for public office at the primary election shall be entitled to vote at said primary election: Provided, That the said electors shall be duly registered as members of some political party as hereinbefore provided, but not otherwise.

Who entitled to vote.

Proviso.

SEC. 15. Should any doubt arise as to the right of any elector to vote at said primary election on the ground that he is not, or will not be a legal voter in said township or ward, or that he does not belong to the political party with which he has declared his affiliation at the time his name is registered as hereinbefore provided, his right to vote may be challenged by any elector or inspector of said primary election, and such person so challenged shall be required to take the following oath which may be administered by one of the inspectors of election:

Challenge of electors.

"I,, do hereby solemnly swear that I am a resident and elector of the county of Alpena and of this township (or ward) or will be at the next election; that I am in sympathy with the principles of the party and expect to vote the ticket of that party at the next ensuing election."

Form of oath.

The inspectors of election may, in their discretion, require the elector so challenged to subscribe his name to the above oath before receiving said vote. After the said elector takes or subscribes the necessary oath he shall then receive the ballot asked for and be entitled to the privilege of voting the same as though his right had not been challenged. When any elector has been challenged the inspector shall recover the challenged vote and treat it in the same manner as a vote challenged at any general election in so far as the same is applicable: Provided, That in case any elector entitled to vote is unable to register for the same reasons as now are provided by the general election law, said voter can be registered upon the primary election day in the same manner as is now provided by the general election law for the registration of voters upon election day in so far as the same is applicable.

When elector may vote.

How challenged vote treated.

Proviso as to registration.

SEC. 15. No elector shall become a candidate for more than one office, except candidates for public office may be candidates for delegates to the various conventions, chairman of

Electors to be candidate for but one office.

Vacancies, how filled. Committee vacancies, how filled.

the county committees of the various political parties, and members of the city or county committee of the various political parties. Any vacancies that may occur in the nomination for any public office for the primary election shall be filled by the county committee of the political party upon whose ticket the vacancy shall occur. Any vacancy in the chairmanship of the county committee of any party, or in the membership of the county committee of any party, or of the city committee of any party shall be filled by the county committee of the party in which such vacancy shall exist until the next primary election, at which election such vacancy shall be filled.

Numbering of ballots. Initialing of ballots. Elector to declare party affiliation.

SEC. 16. All ballots of the several political parties to be used at said primary election shall be numbered consecutively from one up to the entire number of ballots prepared for such election upon the upper left hand corner thereof, and a perforation across said corner shall be made so that the said number may be readily detached: Inspector of election, who shall be designated by the board of electors for that purpose, shall place his initials upon the lower right hand corner of said ballot and keep sufficient number of them initialed in advance to meet the demand for ballots; each political party's ballots shall be numbered separately commencing with number one. An elector offering to vote at said primary election shall upon application made to the inspector in charge of ballots declare his party affiliation and state the kind of ticket he desires to vote, viz.: Republican, Democratic, or Prohibition, etc., and it shall be the duty of said inspector in charge of said ballots to furnish said voter with one ballot of the political party with which said voter declares his affiliation; said voter, when he has received his ballot shall retire forthwith to an unoccupied booth and without delay mark said ballot as he may desire with a pencil to be found in said booth. If he soils or defaces his ballot he shall at once return the same and be given a new ballot. In marking his ballot he shall observe the directions to voters printed at the top of the same as hereinbefore designated and set forthwith by making a cross (X) in each of the small squares at the left of the names of the candidates for whom he desires to vote being careful not to vote for more than one candidate for the same office as indicated on the said ballot opposite the title of each office for which candidates are to be selected. The provisions of the election laws of this State relative to giving assistance in marking ballots of voters for the reasons set forth in the election laws are hereby made applicable so far as the same can be applied.

When may receive new ballot. Marking of ballot. Assistance in marking ballots.

How folded

SEC. 17. When such elector has prepared his ballot he shall fold it so that the initials of the inspector are uppermost, and so fold it as to conceal the face thereof, and shall hand the same to the inspector of said primary election who is in charge of the ballot box. A folded ballot when returned shall be

placed in the proper box. Should the elector attempt to vote any other ballot than that handed to him by the inspector for the purpose, the same shall be taken from him and retained by the board of inspectors of said primary election and said person shall not be allowed to vote. Said inspector shall then call the number of said ballot and the name of the voter shall be checked off upon the registration list upon said registration book, hereinbefore referred to. No elector shall be given more than one ballot, and that of the party with whom he has declared his party affiliation as shown by such registration book.

When ballot taken from elector.

Duty of inspector.

SEC. 18. As soon as polls are closed the board of primary election inspectors shall then proceed to canvass the votes. Such canvass shall be public. The ballot boxes shall be opened and the whole number of electors voting according to the poll list shall be ascertained by comparison with the number of ballots voted at said election, in case there is an excess of votes over the number as shown by said ballot list said excess shall be drawn out as provided in section three thousand six hundred forty-six of the compiled laws of eighteen hundred ninety-seven of this State. Without opening the ballots the inspectors shall then separate those of each political party and thereafter proceed to open the ballots and count each political party's ballots separately. Except as herein provided the matters pertaining to the canvass of votes in the various voting precincts of said county shall be conducted in the same manner as is prescribed by law for canvass of votes at elections held in this State.

Canvass of votes.

Excess of votes, how disposed of.

Ballots of each party, counted separately.

SEC. 19. Two sets of tally sheets, or two tally books, for each political party having candidates to be voted for at said primary election, shall be furnished for each voting precinct by the said city recorder or county clerk, as the case may be, at the same time and in the same manner that the ballots are furnished, and each shall be substantially as follows:

Two sets of tally sheets to be furnished.

Each tally sheet, or the first sheet of each tally book shall be headed:

Heading.

"Tally sheet for (name of political party)
(name of township or city) (ward or township)
..... for primary election held
(giving the date)."

The names of the candidates shall be placed on the tally sheets in the order in which they appear on the official ballots and in each case shall have the proper party designated at the head thereof. The canvass made shall be separate for each political party. After said canvass is completed one tally sheet, or tally book, together with the ballots, cast at said primary election, the ballot box after which said box shall be locked and sealed, and delivered by the chairman of said board of primary election inspectors to the said recorder, if in the city of Alpena, and to the township clerk, if in the

How made out, etc.

Chairman to prepare statement of votes cast.

By whom signed.

Board of canvassers, who to constitute

When and where to meet.

When to certify nominations.

Who declared elected and nominated.

Proviso as to holding second primary.

township, as the case may be. As soon as the votes are counted in each ward and township it shall be the duty of the chairman of each board of primary election inspectors to prepare a statement of the votes cast at said primary election which said statements shall be separate for each political party. The said statements shall be signed by the inspectors of election and be at once returned to the county clerk of the said county, if county officers are voted for at said primary election, or if city officers are voted for at city election, the said statements shall be returned to the recorder of the city of Alpena, not later than the day following said election.

SEC. 20. The clerk of the county of Alpena, the recorder of the city of Alpena, and the probate judge for Alpena county shall constitute the canvassing board for said city and county for the purpose of canvassing the returns made from any primary election held in said county of Alpena or in said city of Alpena, as the case may be. Said canvassing board shall meet in the office of the probate court, in the court house, at ten o'clock in the forenoon of the second day following said primary election and proceed to canvass the returns and declare the nomination of the various candidates in the same manner as provided by the general election laws for the canvass of votes by board of county canvassers, shall certify the nominations, according to the results of the said canvass, not later than the fourth day after said primary election shall have been held to the proper board of election commissioners of the city of Alpena, or of the county of Alpena, as the case may be. The persons receiving the greatest number of votes for chairman of the county committee, or of the city committee, as the case may be, of any political party and for members of the county and city committees of the various political parties shall be declared duly elected. The seven persons (or the number of delegates Alpena county is entitled to) who receive the greatest number of votes cast at said primary election shall be declared delegates to the respective conventions for which they were candidates. The candidates for member of the State legislature and county officers who receive the greatest number of votes shall be declared nominated for the respective offices of said several political parties: Provided, That the candidates for judge of probate, county treasurer, county clerk, register of deeds, prosecuting attorney, or if a city office for mayor, city recorder, comptroller, city treasurer, who receive the greatest number of votes does not receive at least twenty-five per cent of the entire votes cast by his respective party for candidates for their respective offices, he shall not be declared nominated, but if for a county office or city office as above named, if a candidate for such county office, one week from the date of holding the said primary election shall be held a second primary election conducted in all respects the same as the preceding election, in so far as the same is applicable, at which

election the two candidates for the respective office, who receive the greatest number of votes at the first primary election, but not enough to nominate, shall be the candidates. The manner of conducting the second primary shall be in all respects, in so far as the same is applicable, except that notice of three days shall be given of the cause, the same as the first primary election: Provided, That only the electors who were duly registered and qualified at the first primary election shall be entitled to vote at the second primary election, and that the poll lists of the first primary election shall be used as the voting or registration lists of the second primary election: Also, provided, That if any candidate for a city office in the city of Alpena shall not have received at least one-fourth of the entire votes, the second primary shall be conducted in the same manner as said first primary only that the said primaries in said city shall be held on the Saturday following the primaries held in the city.

Proviso as to
registration
lists.

Proviso as to
second pri-
mary in city.

Sec. 21. After all primaries held under this act, the respective canvassing boards as herein provided shall make and prepare separate statements for each political party, which said statements shall be signed by the members of said boards and filed in the office of the county clerk or the city recorder of the city of Alpena; as the case may be, as follows:

Canvassers
to prepare
statement.

First, A statement containing the names of all candidates voted for at the primary election with the number of votes received by each and for what office.

What to
contain.

Second, A statement of the names of the persons or candidates of each political party who are nominated, to-wit: Those persons or candidates of said political parties who receive the highest number of votes for the respective offices, and where there is more than one person to be elected for a given office at the ensuing election, there shall be included in said statement of nomination the names of so many candidates of such party receiving the next highest number of votes as there are persons to be elected for said office in said ensuing election. Said statement shall in like manner be made separately as to each political party: Provided, That the canvassing of the votes cast in the primaries, when a second primary is required to be held in this act, shall be made by the same board, in the same manner, as hereinbefore provided for the canvassing of votes at the first primary and that all statements herein required to be made applicable to said second primary, except that the canvass of votes cast at any second primary shall, if in the city, be made the following Monday.

Proviso.

Third, A statement of the whole number of electors registered and the number of ballots cast at such primary election and for whom cast. If two or more candidates of the same political party are tied for the same office, the tie shall be determined by lot, then and there, by the persons in the manner determined by the canvassing board, as the case may be. It shall be the duty of said canvassing board, to notify each of the successful candidates of their nomination, and

Tie deter-
mined by ot.

To notify
candidates.

that his name will be placed upon the official ballot at the next ensuing election.

Certificate of nomination to be furnished candidates.

SEC. 22. Persons whose names are so properly placed in said nominating statements shall be and constitute the nominees of the several political parties of which they are candidates, and such names shall be printed upon the official ballots prepared for the ensuing election in like manner as if such persons had been duly nominated by a party convention and shall be furnished a certificate thereof, which said certificate shall be filed as required by the general election laws. No names of candidates of any political party which is required to make nominations under this act for officers to be voted for shall be placed upon the official ballots, unless such candidates have been chosen in accordance with this act, except in the case of vacancy occasioned by death, removal, resignation, or in case the candidate so nominated shall be disqualified from holding office under the general election laws of this State, and in such event, the county or city party committee of the same political party, and if there be no such committee, then a mass convention of such party may fill such vacancy, and the name of such new candidate or candidates to fill the vacancy or vacancies shall be certified under oath to the board of canvassers of said city or of said county, as the case may be, by the chairman and secretary of said committee, or of such mass convention.

Vacancy, how filled.

How candidate may contest nomination.

SEC. 23. Any candidate for office at such primary election for the city of Alpena or said county of Alpena, as the case may be, may contest the nomination of the candidate against him at said primary election by filing a petition with the proper canvassing board, upon the first day of the meeting of said board. Such proceedings shall be the same now prescribed by the election laws of this State for contest in any election: Provided, That at the time of filing the petition required by law, the candidates so contesting shall deposit twenty-five dollars with the judge of probate for said county, in case he contests the nomination of the candidate against him for the nomination for a county office, and fifteen dollars with the recorder of the city of Alpena in case he contests the nomination of the candidate against him at the primary election held in said city for a city office. These deposits and amounts of money shall be disposed of as provided under the general election laws of this State. Such a person so contesting shall, in his petition filed with said board of canvassers of the city of Alpena, or the county of Alpena, as the case may be, set forth in addition to all things required by the election laws of this State, that he has good reason to believe and does believe:

Election laws to govern.

Proviso as to deposit.

What petition to set forth.

First, That there was error or fraud in the count or in the returns of the inspectors of election;

Second, That there was fraud or error in the count or in the determination of the said board of canvassers in the various wards and townships of said county, naming them;

Third, That there was error or fraud in both, and further stating, that he believes, that unless the ballot boxes are opened and the votes counted without unnecessary delay his rights will be jeopardized. Said petition must be in writing, and shall be subscribed and sworn to by the person, or some one in his behalf who has knowledge of the facts. A copy thereof shall be served upon the person or persons who are candidates at said primary election for such office being so contested. Upon the filing of said petition, the board of canvassers for said county or for said city, as created by this act, shall appoint a time and place to meet, which said time shall not be more than twenty-four hours after the filing of said petition properly verified and may proceed to open the ballot boxes which shall be brought before said board of canvassers at the place fixed and named by them, may open the same and proceed to canvass the votes found therein in the manner now prescribed by law for recounting votes cast at any general election, and shall determine the result thereof and make statements of such results in the same manner as hereinbefore prescribed.

Canvassers to
make recount.

SEC. 24. The inspectors of said primary election in the various wards and townships in said county shall, previous to the opening of the polls on the day any primary election is to be held, each take the oath of office as prescribed by the election laws of this State for inspectors of election. For the violation of any of the duties herein prescribed each of said inspectors of primary election shall be liable to the same penalties as are now prescribed by law for violations of the election laws of this State.

Inspectors
shall take
oath.

Violation of
law. penalty
for.

SEC. 25. Any person who shall, while the polls are open at any polling place, or on any primary election day, do any electioneering in said polling places or within one hundred feet thereof; any person who shall offer or give to another person intoxicating liquors, or drink any intoxicating liquors within any such polling places, any person who shall solicit or receive directly or indirectly any money or any promise of place or position or any valuable consideration for his vote or support at any primary election; any person who shall offer any voter any money or reward of any kind, or who shall promise any place or position for the purpose of securing such vote or votes, or support at any primary election; any person who shall knowingly violate any of the provisions of this act; any person who shall refuse to perform any duty enjoined upon them by this act; any person who shall solicit another person to vote more than once at any primary election, shall be guilty of misdemeanor; any person who shall be convicted of any of the acts or omissions which are by this act declared misdemeanors shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year or by both such fine and imprisonment in the discretion of the court.

Misdemeanor,
what deemed
a.

Penalty.

Repealing
clause.

SEC. 26. All acts or parts of acts in anywise contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 13, 1905.

[No. 477.]

AN ACT granting additional police powers to the city of Mt. Clemens, for the licensing, regulation and restriction of the owners and drivers of hacks, drays and other public conveyances, and for the licensing, regulation and restriction of the liquor traffic, within said city.

The People of the State of Michigan enact:

Additional
powers of
city.

SECTION 1. The city of Mt. Clemens shall, in addition to the powers conferred upon it by the act entitled "An act to provide for the incorporation of cities of the fourth class," and by the acts amendatory thereof, have the general powers and authorities herein specified, to-wit:

To license
and regulate
solicitors of
hotels, etc.

First, To license, regulate and prohibit any and all soliciting of patronage by hotels, bath houses, boarding houses, pleasure resorts, hacks, carriages, drays and public conveyances, or for any other place, person or business on any and all the public streets, alleys, depots, postoffices, street cars and other public places, or places to which the public have free access: Provided, That said city shall not prohibit such solicitation by any party properly licensed therefor and complying with the regulations of said city relative thereto of patronage for a hack, dray, carriage, street car or other public conveyance, while such soliciting party is on such public conveyance and acting as driver, conductor or motorman thereof;

To require
bonds of
solicitors.

Second, To require that any person engaged in the business of soliciting patronage for any place, person or business shall before engaging in such business, give a good and sufficient bond, running to said city to be approved by the mayor, in a penal sum not to exceed five hundred dollars conditioned upon that said licensee shall conduct himself in a decent and orderly manner and shall in all respects obey and comply with all provisions and requirements of the ordinances of said city; and to provide and require that all the parties signing said bonds as principal or surety justify to their financial worth to exceed the amount thereof;

To punish
offenses.

Third, To punish all offenses against its ordinances regulating the business of soliciting patronage by revocation of the license held by the offender and to provide that conviction of any violation of any ordinance of said city or of any

crime or misdemeanor by the applicant for license shall be deemed sufficient reason for refusal to grant any further license to such convicted offender, for a period of three years after such conviction;

Fourth, To provide that conviction in justice court of any licensee of said city of any crime or misdemeanor or of any violation of any ordinance of said city shall be sufficient cause for suspension of any license held by the person so convicted during the pendency of any appeal taken from the decision of said justice court so convicting said licensee;

Fifth, To issue license to any livery stable, bath house, hotel or boarding house proprietor to engage in the business of soliciting patronage for such livery stable, bath house, hotel or boarding house, which license may, subject to such reasonable regulations as the common council may from time to time make, authorize such solicitation under said license to be personally done by such porters, drivers or other agents of such licensee as such licensee shall from time to time specify in writing to the city clerk in manner provided by ordinance: Provided, That said council may require that such agent shall not be any one to whom license to engage in such business has been refused by the said city and its officials;

Sixth, To require an annual city license of not to exceed one hundred dollars, in addition to the State license for the same, of every person engaged in the business of furnishing, selling or offering for sale at retail, any spirituous, intoxicating, malt, brewed, fermented or distilled liquors as a beverage, or any mixture or compound thereof, except proprietary patent medicines; to determine where saloons or places for the sale or furnishing of such liquors may or may not be located within said city; to prohibit the location of such saloons or places for the sale or furnishing of such liquors in the vicinity of, or adjacent to, churches, schoolhouses or residences, or in any other place or places where, in the judgment of the common council, the best interests of the city and its inhabitants, and the promotion and preservation of good order, morality and decency may require such prohibition; to limit and restrict the number of saloons or places for the sale or furnishing of such liquors that may be licensed or maintained within said city; and to prescribe appropriate fines and penalties for the violation of such regulations as may be imposed hereunder, not to exceed one hundred dollars' fine or ninety days' imprisonment in the county jail or the Detroit house of correction, or both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved April 13, 1905.

[No. 478.]

AN ACT to provide for the creation of a board of county auditors for the county of Kent, to prescribe the powers and duties of its members and to provide for their compensation.

The People of the State of Michigan enact:

Governor to
appoint.

Terms of
office.

When elected.

Term of
office.

Vacancy,
how filled.

Persons
eligible.

Election of
chairman and
secretary.

Duties of
secretary.

Compensa-
tion of mem-
bers.
Of secretary.

Quorum.

SECTION 1. There is hereby created a board of auditors for the county of Kent, the said board to consist of three members to be provisionally appointed by the Governor, which persons so appointed shall assume the duties of their said offices on the first day of May, nineteen hundred five, one of whom shall hold the said office until January first, nineteen hundred seven; one of whom shall hold the said office until January first, nineteen hundred nine; one of whom shall hold the said office until January first, nineteen hundred eleven.

SEC. 2. At the regular biennial general election in November, nineteen hundred six, and every two years thereafter, the electors of the county of Kent shall elect some suitable person, a resident of Kent county, to be a member of the said board of auditors for the county of Kent for the term of six years commencing on the first day of January succeeding said election. Whenever a vacancy shall occur on said board it shall be filled by appointment by the Governor, and said appointee shall hold said office until his successor is duly elected at the next succeeding regular biennial general election in November, and has qualified. No person holding any other office or employment under the county of Kent, the city of Grand Rapids, or any of the townships of the county of Kent, and no person not being an elector of said county, shall be eligible to election as a member of the said board of auditors.

SEC. 3. At the first meeting of said board of auditors, after the passage of this act, and at the first meeting in each January thereafter, it shall proceed to elect a chairman and a secretary from among its members. The chairman of said board shall, when present, preside over its meetings. The secretary of said board shall, in addition to all such duties as may devolve upon him, keep a record of all business transacted by said board, and minutes of the proceedings of all meetings held, and have charge of all letters, papers and documents. The members of said board, other than the secretary, shall receive compensation at the rate of two hundred fifty dollars per annum, and the secretary thereof at the rate of three hundred fifty dollars per annum, and six cents per mile, one way, for each mile actually traveled from their place of residence to said place of meeting. Any two members of said board shall constitute a quorum for the transaction of business.

SEC. 4. The office of the county clerk of Kent county is hereby designated as the office of the board of auditors for the county of Kent, and, when said board is not in session, the clerk of the county of Kent shall receive, file and be custodian of all books, papers, etc., belonging to or intended for said board and deliver them on demand to any member of said board. Said board of auditors shall meet for the transaction of business in its office on the second Tuesday of each month, and continue its sessions daily from nine o'clock a. m. to twelve o'clock m., and from one o'clock p. m. to five o'clock p. m. until pending business is disposed of.

Office of.

When clerk
to receive and
file papers,
etc.Time of
meeting.

SEC. 5. No claim against the county of Kent including all claims and accounts incurred by the county drain commissioner shall be paid by the treasurer of Kent county until it shall have been duly audited and allowed by the board of auditors, and payment of an audited claim shall be made only upon a warrant duly signed by the chairman of the board, and countersigned by its secretary, except in the case of jury and witness fees, primary school moneys and such other funds as may come into the hands of the county treasurer, which are created by and disbursed under special statutes relating thereto: Provided however, That said board may allow the county board of superintendents of the poor a petty cash account of not exceeding one hundred dollars. Any violation of this section of the statute shall, upon conviction thereof, be punished by a fine of not exceeding one thousand dollars or by imprisonment not exceeding two years, or by both such fine and imprisonment in the discretion of the court.

No claims
shall be paid
until audited.

How paid.

Prov so.

Penalty for
violation.

SEC. 6. The said board shall have power, and it is hereby expressly authorized and directed:

Power of
board.

First. To audit all claims which are chargeable against Kent county, and to draw warrants therefor, duly signed by its chairman and countersigned by its secretary, but no warrant shall be drawn or issued by said board except for the amount of a just claim against said county which has been duly allowed by said board;

To audit all
claims against
county.

Second. To purchase such books, stationery, blanks, printed matter and general supplies, as shall be necessary for the use of the county and its offices and the circuit courts;

Purchase
supplies.

Third. To have immediate charge and control of the court house of said county, and to provide for the maintaining of same in an appropriate manner;

Have charge
of court
house.

Fourth. To examine the books and accounts of all county officers. The said board may, as often as it deems necessary, require the accounts and vouchers of any county officer to be presented for examination. Whenever any moneys are paid to the county treasurer by an officer or agent of Kent county, such officer or agent shall take a duplicate receipt therefor, which shall be filed forthwith in the office of said board, and said treasurer shall, at the end of each month, and at such other times as may be required by said board, report to said

Examine
books and
accounts of
officers.Officers to
take dupli-
cate receipt
for moneys
paid.Monthly
report of
treasurer.

	board all moneys received by him from and after the time of making his last report;
Recommend number of clerks, compensation, etc.	Fifth. To recommend to the board of supervisors the number of clerks, assistants and other help necessary in the several county offices, and the reasonable compensation for the deputies, clerks and assistants employed therein, and in the circuit courts, when not otherwise provided by law;
Require reports from county officers. Penalty for violation.	Sixth. To require any county officer to make a report under oath on any subject or matter connected with the duties of his office. Any person violating the provisions of this subdivision shall upon conviction thereof, be punished as provided in section five hereof;
To approve bonds.	Seventh. To approve any and all official bonds in which the county may be interested, where the approval of such bonds is not otherwise provided by law, and where not otherwise provided by law the board may require any officer, deputy, assistant or clerk, to give bonds to the people of the State of Michigan in such sum as it deems reasonable and necessary for the faithful performance of their respective duties;
May require officers to give bonds.	
Summon witnesses on claims.	Eighth. To summon witnesses, administer oaths, and take testimony as to the legality or justness of any bill or claim pending before said board;
Publish statement of claims acted upon.	Ninth. To publish in the official paper of said county, on or before the fourth Tuesday of each month, a statement signed by the secretary of all claims against the county passed upon by the board during the month, the amount thereof, by whom presented and whether allowed or disallowed in whole or in part;
Prepare annual estimate of expenses and receipts.	Tenth. To prepare annually before the second Tuesday in October a detailed estimate of the necessary expenses of the county for the ensuing calendar year together with an estimate of the probable receipts of the county from all sources other than taxation. These estimates shall be presented to the board of supervisors at its annual session on the second Tuesday in October, with the recommendation of said board of auditors as to the amount of money necessary to be raised by taxation for the several purposes of county expenditure.
When presented to supervisors.	
Members not to be interested in county contracts.	SEC. 7. No member of said board of auditors shall be directly or indirectly interested in any contract with Kent county which may involve the expenditure of any county moneys, or in the sale of supplies to said county or in the performance of any paid services for said county other than his services as a member of the said board.
Duty of prosecutor.	SEC. 8. The prosecuting attorney of the county of Kent shall be the legal advisor of said board of auditors, and shall, on his own motion, investigate the findings of said board, whenever, in his opinion, the public service will be benefited thereby, and shall institute criminal proceedings against the members of said board or any of them, for malfeasance or misfeasance in office.

SEC. 9. Any member of said board of auditors who shall enter into collusion with any claimant or with any other person or persons to defraud said county, or shall wilfully violate any of the provisions of this act or shall wilfully or grossly neglect the duties of his office, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as provided in section five hereof. The conviction of any auditor for the violation of any of the provisions hereof shall vacate the office of such auditor. Misdemeanor, what deemed a. Pena. ty. How office vacated.

SEC. 10. Before entering upon his official duties each member of the board of auditors shall take and subscribe the constitutional oath of office and file the same in the office of the county clerk. Members shall file oath.

SEC. 11. All acts or parts of acts in conflict with or in anywise contravening any of the provisions of this act, are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved April 19, 1905.

[No. 479.]

AN ACT to establish the polling place in the township of Port Austin, in Huron county, at the village of Port Austin, and to repeal act number three hundred thirty-four of the local acts of eighteen hundred ninety-five.

The People of the State of Michigan enact:

SECTION 1. The polling place in the township of Port Austin, in the county of Huron, shall be at the village of Port Austin. Location of polling place.

SEC. 2. The township board of Port Austin township shall take possession of all the books, blanks and property of the voting precincts hereby abolished, and all future proceedings relative to registrations and elections and the canvass of votes in said township of Port Austin shall be conducted in accordance with the general laws of the State, now in force, pertaining to the conduct, canvass and returns of elections. General laws to govern elections.

SEC. 3. Act number three hundred thirty-four of the local acts of eighteen hundred ninety-five, approved March fifteenth, eighteen hundred ninety-five, is hereby repealed. Act repealed.

Approved April 19, 1905.

[No. 480.]

AN ACT to authorize school district number one, township of Grosse Pointe, county of Wayne, State of Michigan, to borrow money and issue bonds therefor in the sum of fifteen thousand dollars, to be used in the erection of a school building, furnishing same, and purchase of a site therefor.

The People of the State of Michigan enact:

Bond issue
authorized.

Amount.

How
designated.

Rate of
Interest.

SECTION 1. The district board of school district number one, township of Grosse Pointe, county of Wayne, and State of Michigan is hereby authorized to issue negotiable coupon bonds on the faith and credit of said district to an amount not exceeding fifteen thousand dollars, to provide funds for the erection of a new school building, furnish the same and the purchase of a site therefor. Said bonds shall be designated as "School building bonds"; shall become due and payable not later than twenty-five years after their date, and shall bear interest at a rate not to exceed five per cent per annum, payable semi-annually, and shall be in such form and of such denomination, and executed in such manner as said district board may, by resolution, direct, and when issued and delivered for value, shall be valid and binding obligations of said school district.

This act is ordered to take immediate effect.

Approved April 19, 1905.

[No. 481.]

AN ACT to amend sections thirteen, twenty-seven, two hundred seventy-three, two hundred seventy-four, two hundred seventy-five, two hundred seventy-six, two hundred eighty-two, two hundred eighty-three, two hundred ninety-four, of an act entitled "An act to revise and amend the charter of the city of Ypsilanti," approved May five, eighteen hundred seventy-seven; as amended by act number four hundred of the session laws of eighteen hundred eighty-one, and act number three hundred ten of the session laws of eighteen hundred ninety-one, as amended by act number three hundred twenty-three of the session laws of eighteen hundred ninety-five, as amended by act number four hundred thirty-seven of the session laws of eighteen hundred ninety-seven, as amended by act number three hundred seventy of the session laws of eighteen hundred ninety-nine, as amended by act number three hundred seventy-four of the session laws of nineteen hundred one, and to add sections to said act to stand as sections two hundred ninety-nine, three hundred, three hundred one, three hundred two, three hundred three, three hundred four, three hundred five, three hundred six, three hundred seven, three hundred eight, three hundred nine, three hundred ten, three hundred eleven, three hundred twelve, three hundred thirteen, three hundred fourteen, three hundred fifteen, three hundred sixteen, three hundred seventeen and three hundred eighteen, and to repeal all the acts and parts of acts inconsistent herewith.

The People of the State of Michigan enact:

SECTION 1. Sections thirteen, twenty-seven, two hundred seventy-three, two hundred seventy-four, two hundred seventy-five, two hundred seventy-six, two hundred eighty-two, two hundred eighty-three, two hundred ninety-four, of an act entitled "An act to revise and amend the charter of the city of Ypsilanti," approved May five, eighteen hundred seventy-seven; as amended by act number four hundred of the session laws of eighteen hundred eighty-one, and act number three hundred ten of the session laws of eighteen hundred ninety-one, as amended by act number three hundred twenty-three of the session laws of eighteen hundred ninety-five, as amended by act number four hundred thirty-seven of the session laws of eighteen hundred ninety-seven, as amended by act number three hundred seventy of the session laws of eighteen hundred ninety-nine, as amended by act number three hundred seventy-four of the session laws of nineteen hundred one, are hereby amended and there are hereby added to said act sections to stand as sections two hundred ninety-nine, three hundred, three hundred one, three hundred two, three hundred three, three hundred four, three hundred five, three

hundred six, three hundred seven, three hundred eight, three hundred nine, three hundred ten, three hundred eleven, three hundred twelve, three hundred thirteen, three hundred fourteen, three hundred fifteen, three hundred sixteen, three hundred seventeen and three hundred eighteen, said amended and added sections to read as follows:

Elective
officers.

SEC. 13. There shall be elected on the first Monday in April, in the year nineteen hundred six, and every second year thereafter, by the qualified electors of the whole city, voting in their own wards, one mayor, to hold his office for the term of two years. There shall be elected on the first Monday in April, in the year nineteen hundred six, and every fourth year thereafter, by the qualified electors, as aforesaid, one justice of the peace, to hold his office for the term of four years. There shall be elected annually, in the first, second and third wards, which wards shall constitute the first judicial district, one supervisor and one constable, to hold their respective offices for the term of one year. There shall be elected annually in the fourth and fifth wards, which wards shall constitute the second judicial district, one supervisor and one constable, to hold their respective offices for the term of one year. There shall also be elected annually, in each ward, by the electors thereof, one alderman, to hold his respective office for the term of two years.

Appointive
officers by
mayor.

SEC. 27. The following officers shall be appointed by the mayor at the first meeting to be held on the first Monday in May of each year, viz.: One health physician, one fire warden from each judicial district, one pound master for each judicial district. The mayor shall also on the first Monday in May, eighteen hundred ninety-one, appoint, subject to the approval of a majority of the members elect of the common council, three commissioners of public works, two of whom shall be residents of the first judicial district, one a resident of the second judicial district; one to hold office for the term of one year, one to hold office for the term of two years and one for the term of three years. There shall also be appointed in the same manner annually thereafter one commissioner of public works, to hold his office for the term of three years, but at no time shall more than one of said commissioners be residents of the second judicial district, or more than two be residents of the first judicial district. The mayor shall also on the first Monday in May, nineteen hundred one, appoint, subject to the approval of a majority of the members elect of the common council, three commissioners of police, two of whom shall be residents of the first judicial district; one a resident of the second judicial district, one to hold office for the term of one year, one for the term of two years and one for the term of three years; at all times the two political parties having cast the greatest number of votes at the preceding city election shall be represented by members of the same upon said board. There shall also be appointed

Police
commission.

Two political
parties to be
represented.

in the same manner annually thereafter one commissioner of police to hold office for the term of three years, but at no time shall more than one of said commissioners be residents of the second judicial district or more than two residents of the first judicial district. The mayor shall also on the first Monday in May, nineteen hundred five, appoint, subject to the approval of a majority of the members elect of the common council, three commissioners of the fire department, two of whom shall be residents of the first judicial district, one a resident of the second judicial district, one to hold office for the term of one year, one for the term of two years and one for the term of three years. There shall also be appointed annually thereafter, in the same manner, one commissioner of the fire department, to hold his office for the term of three years, but at no time shall more than one of said commissioners be residents of the second judicial district, or more than two residents of the first judicial district. The mayor shall also on the first Monday in May, nineteen hundred five, appoint, subject to the approval of a majority of the members elect of the common council, three commissioners of parks, two of whom shall be residents of the first judicial district, one a resident of the second judicial district, one to hold office for the term of one year, one for the term of two years and one for the term of three years. There shall also be appointed annually thereafter, in the same manner, one commissioner of parks, to hold his office for the term of three years, but at no time shall more than one of said commissioners be residents of the second judicial district, or more than two residents of the first judicial district. The common council shall appoint on the first Monday in May of each year, one city clerk, one city treasurer, one city attorney, one street commissioner, one city surveyor, and also one deputy city clerk, on the recommendation of the city clerk. The common council shall also at the same time elect one of their number president of the council, who shall, in the absence of the mayor, preside at all meetings, and in the absence of the mayor from the city, shall act as and have the powers of the mayor. The appointments made by the mayor, except commissioners of public works, commissioners of police, commissioners of fire department and commissioners of parks, shall be absolute, the mayor to be responsible therefor, and the power is hereby granted him to remove his own appointees at his pleasure and to appoint others in their places, the mayor to report all removals or appointments by him made at the first regular meeting of the council thereafter. The common council may also, from time to time, provide by ordinance for the appointment and appoint for such term as may be provided in any such ordinance, such other officers whose election or appointment is not herein specially provided for, as the common council shall deem necessary for the execution of the powers granted in this act, and may remove the same at pleasure.

Fire
commission.

Park
commission.

Appointive
officers by
council.

Certain ap-
pointments
absolute.

Council may
provide other
appointments.

The powers and duties of all such officers shall be prescribed by ordinance. Any appointment which shall not be made on the day named may be made at any subsequent regular meeting or special meeting of the common council.

Fire com-
missioners,
powers of.

SEC. 273. Subject to the authority hereby given to the common council to enact all such ordinances as shall be deemed necessary to guard against the occurrence of fires and to protect the persons and property of inhabitants against accidents and damage resulting therefrom, the board of fire department commissioners, under the general direction of the common council, shall have the power to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employees, firemen and officers thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the department, and prescribing the powers and duties of such employees, firemen and officers.

May purchase
fire appara-
tus, etc.

SEC. 274. The board of fire department commissioners may purchase and provide suitable fire engines and such other apparatus, instruments, horses and means for the use of the department, as may be deemed necessary for said fire department; and make all necessary provisions for a convenient supply of water for the use of the department.

May provide
suitable build-
ings.

SEC. 275. The said board may also provide, or erect, suitable buildings for keeping the engines, carriages, teams, lodging of firemen, and fire apparatus of the department.

Shall appoint
chief engineer.

SEC. 276. The said board shall appoint a chief engineer of the fire department, who shall give his entire time to the duties of the fire department, and, subject to the orders, rules and regulations of the board, shall have the supervision and direction of the department and the care and management of the fire apparatus and property. And the said board may appoint such assistant engineers and other officers of the department as may be necessary.

Compensation
of fire de-
partment.

SEC. 282. The officers, firemen and employees of the fire department shall receive such compensation as the said board, subject to the confirmation by the common council, may prescribe, and during their terms of service shall be exempt from serving on juries.

When engineer
may cause
buildings
destroyed.

SEC. 283. The engineer in charge of the department at any fire, with the concurrence of the mayor, or any two aldermen, or any two members of said fire department commission, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of a fire, and no action shall be maintained against any person, or against the city therefor.

Police com-
mission,
appointive
power of.

SEC. 294. The board of police commissioners shall have the power of appointing the city marshal or chief of police at a salary of not exceeding fifty-five dollars per month. It shall also have the power of appointing two deputy marshals

at a salary of not exceeding forty dollars per month for the first three years of service and fifty dollars per month thereafter, and such other or additional policemen or deputy marshals as may from time to time become necessary, subject to such limitations and restrictions as to numbers, qualifications and compensation as the common council may prescribe. Said board shall accordingly have power, and it shall be its duty, on the second Monday in May in the year nineteen hundred five, or as soon thereafter as may be, to appoint the city marshal or chief of police, who shall hold his office during the pleasure of the board. They may also appoint as many special police, with or without compensation, in time of special emergency, or apprehended danger from riot or other cause of alarm, as they may deem expedient. Said board, whenever it shall seem to them discreet, may also, on application of any person or persons showing the necessity thereof, appoint any number of special police to do duty at any designated place or places within said city, at the charge and expense of the person or persons by whom the application shall be made, and the special police so appointed shall perform duty only at the place or places designated by said board, and shall continue in office at the pleasure of said board. No person while holding the office of city marshal or deputy marshal shall fill any other elective or appointive public office.

City marshal,
when appointed.

Special police.

Marshal or
deputy not to
hold other
office.

JUSTICE COURT.

SEC. 299. At the annual charter election held in the city of Ypsilanti on the first Monday in April in the year nineteen hundred six, and at such election once in four years thereafter, there shall be elected a justice of the peace. Such justice shall be elected on the city ticket in the manner provided by law for the election of other elective city officers. The term of office of any person elected to the office of justice of the peace under this act shall commence on the fourth day of July next succeeding his election and shall continue for the term of four years and until his successor shall have been elected and qualified.

Justice, when
elected.

Term of
office.

SEC. 300. Such justice of the peace shall have the exclusive jurisdiction to hear, try and determine all charges for offenses and misdemeanors alleged to have been committed within said city, and which by the general laws of the State are within the jurisdiction of justices of the peace. He shall have the exclusive jurisdiction to hear and examine all charges for crimes alleged to have been committed within said city and which by the general laws of the State are examinable by and before justices of the peace, and hold to bail or commit for trial in the circuit court for Washtenaw county. He shall also have concurrent jurisdiction with other justices

Jurisdiction of.

Concurrent
jurisdiction.

General laws to govern.	of the peace of the county of Washtenaw, as to all crimes, offenses and misdemeanors when alleged to have been committed without said city but within the county of Washtenaw.
To hear and determine complaints for violation of ordinances.	<p>Sec. 301. The general laws of the State relating to justices of the peace, shall, in all things, apply to and govern the justice of the peace hereafter elected in the city of Ypsilanti, except as otherwise provided in this act.</p> <p>Sec. 302. The justice of the peace elected under this act shall have jurisdiction to hear, try and determine all complaints for the violation of any of the ordinances of the city of Ypsilanti, and all persons convicted by or before such justice, of the violation of any of the ordinances of said city, may by the justice before whom such conviction is had be fined or imprisoned, or both, in the discretion of such justice, according to the terms of the ordinance under which such trial and conviction was had, and if a fine be imposed it shall be with the costs of prosecution, if the ordinance so provides, and an appeal may be taken to the circuit court for the county of Washtenaw by the person convicted, as in other criminal cases. All imprisonments imposed under this act may be in the county jail for the county of Washtenaw.</p>
Defendant may appeal to circuit court. Where prisoners confined.	
To have same powers as other justices.	
Proviso, as to jurisdiction in city and townships.	<p>Sec. 303. The justice of the peace elected in said city under the provisions of this act shall have and exercise therein and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State: Provided, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justices' courts whenever the plaintiffs or defendants, or one of the plaintiffs or defendants, reside in either the said city of Ypsilanti, or in the townships of Ypsilanti, Augusta, Pittsfield, Salem, Superior and York, in said county of Washtenaw; they shall have exclusive jurisdiction, except in cases where jurisdiction is given by this act to some other court, and within the limits prescribed by law to hear, try and determine all actions and prosecutions for the recovery or enforcing of fines, penalties and forfeitures for violation of this act or any law of this State within the city of Ypsilanti, and for encroachments upon and injuries to any of the streets, alleys and public grounds within the city. They shall have authority to hear, try and determine all suits and prosecutions for the recovery or enforcing of fines, penalties, forfeitures imposed by the ordinances of the city and to punish offenders for violations of such ordinance as in the ordinances prescribed and directed.</p>
Exclusive jurisdiction except in certain cases.	
Salary of.	
	<p>Sec. 304. No justice of the peace hereafter elected in said city shall receive any fees for his own use, but in lieu thereof shall be paid a salary by said city of sixty dollars per month, payable monthly.</p>

SEC. 305. The common council of said city shall provide a court room and a jury room attached for the use of such justice of the peace and his successors to be elected as herein provided, as the same shall be required, and to furnish the same with tables, desks, furniture, fuel, blanks and stationery and such other things as may be necessary to properly carry on and furnish such justice court.

Council to provide court room, supplies, etc.

SEC. 306. Prosecutions under the ordinances of the city shall be commenced and carried on in the name of the "City of Ypsilanti" and practice in all cases under this act shall, except as herein otherwise provided, be the same, as near as may be, as in cases of like character, cognizable by justices of the peace in townships.

Prosecutions in name of "City of Ypsilanti."

SEC. 307. Said justice shall qualify in the manner provided by the general laws of the State, but his official bond shall be presented to and be approved by the common council of said city before the same shall be filed with the clerk of said county. He shall give such other bonds as the common council may require.

How justice shall qualify.

SEC. 308. Proceedings in all prosecutions for violations of the ordinances of said city shall be the same as are now provided by the special charter of said city, except as herein otherwise provided.

Proceedings in violation of ordinances.

SEC. 309. Before any civil action or proceeding, except proceedings in garnishment, shall be commenced before any justice hereafter elected in said city, there shall be paid to said justice by the party bringing the suit the sum of fifty cents, and before the trial of any such action or proceeding shall be commenced, the further sum of fifty cents, but in case of nonsuit, no judgment fee shall be required, and proceedings in garnishment shall be treated as part of the original case, and no additional fee therefor, as justices' fee, shall be charged up to and including the entry of judgment therein, and the amount so paid shall be in lieu of justice fees and security for costs may be required as under the general laws of the State.

Fees in civil actions.

SEC. 310. All proceedings before such justices of the peace, both in civil and criminal proceedings, in the issuance and service of process, the trials, docket entries and records, the collection and payment of fees and costs, appeals and certiorari and returns thereto, shall be controlled by the general laws of the State applicable thereto, except as herein otherwise provided, but this act shall in no way affect the fees to which said justices may be entitled on performance of marriage ceremonies, taking acknowledgments or administering oaths in matters not connected with any litigation before said justice.

General laws to govern civil and criminal proceedings.

SEC. 311. As the terms of office of the justices of the peace in said city shall expire, their docket, and the dockets then in their possession, shall be turned over to and delivered to the justice who shall have been last elected under this act,

Dockets to be turned over to newly elected justice.

and said justice to whom said docket shall be delivered and his successors in office shall be authorized to issue executions or other process as is now, or may be authorized by law, upon any judgment appearing thereon.

To hold daily sessions.

SEC. 312. The justices elected under this act shall hold a session of court every day, Sundays and legal holidays excepted, and shall have their court room open at least from nine o'clock a. m. until five o'clock p. m.

Hours.

Who may act in absence of justice.

SEC. 313. In event of the absence or inability of such justice to act, any qualified justice of the peace of the township of Ypsilanti in said county may be called upon to perform the duties of the office. In case of a vacancy in the office of justice of the peace for the said city of Ypsilanti, the mayor of the said city, by and with the consent of the common council, shall appoint some person who is duly qualified under the provisions of this act to hold said office, to fill such vacancy until the next annual city election thereafter, at which time the said vacancy shall be filled by election.

Vacancy, how filled.

All fines, etc., to be paid over to city treasurer.

SEC. 314. All fines, penalties and forfeitures collected or received by any justice of the peace for or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures and moneys collected or received by such justice for or on account of violations of any of the ordinances of the city, and all fees shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof, and he shall not be entitled to receive his monthly salary until his account for the preceding month has been fully settled, and also fees and costs shall have been paid over as aforesaid.

When paid over.

Summons may be signed in blank.

SEC. 315. Summons may be signed in blank and delivered to attorneys in said city, and the same may be filled up and used by them in all proper cases, and shall have the same force and effect as if filled up by said justice.

Fee bill of justice to be allowed by county auditors.

SEC. 316. In all prosecutions before said justice for violations of any of the general laws of the State, the county of Washtenaw shall be liable for justice fees and other fees and costs, to the same extent that it is liable under the general laws of the State for justice fees, and the justice earning such fees shall make out and certify his bill for such fees and present the same to the board of auditors for the said county of Washtenaw at each of its regular sessions and such board shall allow the same as in other cases of bills from justices of the peace, and the amount of the order therefor shall be paid over and delivered by such justice to the city treasurer in the manner herein provided.

Repealing clause.

SEC. 317. All acts and parts of acts relative to justice courts and justices of the peace within the city of Ypsilanti, inconsistent with this act, are hereby repealed.

COMMISSIONERS OF PARKS.

SEC. 318. The commissioners of parks, subject to the general direction of the common council, shall have the care and management of all public parks within the city of Ypsilanti, and shall have such authority in the care of same as the common council shall by ordinance or resolution ordain. Powers and duties of.

This act is ordered to take immediate effect.

Approved April 19, 1905.

[No. 482.]

AN ACT authorizing and empowering the city council of the city of Escanaba to make a re-assessment of taxes to defray the expense of paving, curbing and draining Ludington street in said city.

The People of the State of Michigan enact:

SECTION 1. The city council of the city of Escanaba, for the purpose of defraying the cost and expense of paving, curbing and draining Ludington street in said city of Escanaba, exclusive of the cost of paving, curbing and draining street intersections, heretofore authorized by the common council of said city of Escanaba, on or about the thirty-first day of March, eighteen hundred ninety-one, is hereby authorized and empowered, and it shall be its duty, to determine, declare and set forth all lots, blocks and lands benefitted thereby, and to cause to be re-assessed upon the owners and occupants of houses and lands so benefitted such sum or sums as the city engineer may determine, certify and report to the said city council, to be the actual cost and expense of said improvements, exclusive of the cost of paving street intersections, and such re-assessment shall be made substantially in the manner provided for making original assessments of a like nature by the existing charter of said city, so far as the same relates to the proceedings to be had subsequent to the letting of the contract for the performance of work or a public improvement of the nature herein mentioned, except as modified by this act. Council authorized to re-assess property.

SEC. 2. It shall be the duty of said city council, upon receiving the report of said city engineer, to review the same and to cause notice to be given to the property holders so to be assessed, of such intended re-assessment and of the time when the council shall meet and review the report of said city engineer, which notice shall be given, as near as may be, in the manner provided in section thirteen of chapter City engineer to determine cost of improvements. Manner of making re-assessment.

Notice of re-assessment. how given.

twenty-four of act number two hundred fifteen of the public acts of eighteen hundred ninety-five.

Council may
confirm or
annul engi-
neer's report.

SEC. 3. At the time and place appointed for the purpose aforesaid, the city council and the city engineer shall meet, and there, or at some adjourned meeting, review the report as certified and returned by the city engineer, and shall hear any objections to the report of said city engineer which may be made by any person deeming himself aggrieved thereby, and the council may correct said report as to any amount or assessment or description of premises appearing therein, and may confirm it as reported or as corrected, or may refer the same back to said city engineer for revision, or annul it and direct a new report. When said report shall be confirmed, the city clerk shall make an endorsement upon the same showing the date of the confirmation.

Sums paid
shall be
credited.

SEC. 4. Such sums as have heretofore been paid towards said improvement, upon houses and lands included in such re-assessment, shall be applied under the direction of the city council to the credit of the persons and the property on account of which same were paid, and in case the credit shall exceed the amount re-assessed against such person or property, the council shall cause such excess to be refunded to the parties who made payment thereof. All provisions of the city charter of the city of Escanaba relative to the making, collecting and return of special assessments, shall apply to the reassessments hereby authorized to be made, except as herein otherwise provided.

Excess to be
refunded.

This act is ordered to take immediate effect.

Approved April 19, 1905.

[No. 483.]

AN ACT to define and change the boundaries of the several townships of Chippewa county and to legalize the same.

The People of the State of Michigan enact:

Township of
Bay Mills.

Bruce.

SECTION 1. The following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of Bay Mills, shall constitute and be the township of Bay Mills, viz.: All of town forty-seven north, range two west, excepting section thirty-one. The following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of Bruce, shall constitute and be the township of Bruce, viz.: Sections twenty-four, twenty-five and thirty-six of town forty-six north, range one west, and towns forty-six north, range one east, and that part of town forty-six north, range two east, lying west of Hay

lake; town forty-five north, range one east, and that part of town forty-five north, range two east, lying west of Hay lake, and the West Neebish channel; also sections one, twelve, thirteen, twenty-four, town forty-five north, range one west. The Dafter.

following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of Dafter, shall constitute and be the township of Dafter, viz.: The north two miles of the surveyed territory, being town forty-five north, range one west, excepting sections one and twelve; the whole of town forty-six north, range one west, excepting sections twenty-four, twenty-five and thirty-six; also sections twenty-five, twenty-six, thirty-five and thirty-six of town forty-six north, range two west, and section one of town forty-five north, range two west. The following described territory DeTour.

situated in the county of Chippewa, Michigan, heretofore known as the township of DeTour, shall constitute and be the township of DeTour, viz.: Fractional town forty-one north, range three east; fractional town forty-one north, range four east, to the center of DeTour passage; fractional town forty-two north, range three east, excepting sections five, six, seven and eight; and fractional town forty-two north, range four east, to the center of DeTour passage. The Drummond.

following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of Drummond, shall constitute the township of Drummond, viz.: All of Drummond Island and islands in adjacent waters lying within the county of Chippewa and bounded on the north and east by the international boundary line between the United States and the Dominion of Canada; on the south by Lake Huron; and on the west by the center line of DeTour passage extended northerly on the west side of Pipe island and on the east side of Sweet's island, to a point in said international boundary line directly south of the most southerly point of the Canadian island, St. Joseph. The following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of Kinross, shall constitute and be the township of Kinross, viz.: Sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three in town forty-five north, range one west; sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four in town forty-five north, range two west; sections from one to twenty-four both inclusive, otherwise described as the north four tiers of sections in town forty-five north, range three west; sections from one to twenty-four both inclusive, otherwise described as the north four tiers of sections in town forty-five north, range four west; sections from one to twenty-four both inclusive, otherwise described as the north four tiers of sections in town forty-five north, range five west; sections twen-

- Pickford. ty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four and thirty-five in town forty-five north, range one west, and sections twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five, and thirty-six in town forty-five north, range two west. The following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of Pickford, shall constitute and be the township of Pickford, viz.: Town forty-three north, range one east; town forty-four north, range one east; town forty-four north, range one west and sections twenty-five and thirty-six, town forty-five north, range one west; also fractional sections four, five, six and seven of town forty-four north, range two east. The following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of Raber, shall constitute and be the township of Raber, viz.: All of town forty-two north, range two east; all of town forty-three north, range two east; sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, town forty-four north, range two east; all of town forty-three north, range three east; sections five, six, seven and eight of town forty-two north, range three east; the north fractional half of the northwest quarter of section six, town forty-two north, range four east; and section thirty-one, town forty-three north, range four east. The following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of Rudyard, shall constitute and be the township of Rudyard, viz.: Sections twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three of town forty-five north, range two west; sections twenty-five to thirty-six, both inclusive, in town forty-five north, range three west; all of town forty-four north, range two west; and all of town forty-four north, range three west. The following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of Sault Ste. Marie, or Ste. Marie, shall constitute and be the township of Ste. Marie, viz.: Sections twenty to thirty-six, both inclusive, of town forty-seven north, range one west; sections nineteen, twenty, twenty-one, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three and thirty-four, and fractional sections twenty-two, twenty-three, twenty-six, thirty-five and thirty-six, west of the center of Hay Lake channel, of town forty-seven north, range one east; also Neebish island, Rains island and Sand island; also town forty-five and town forty-six north, range seven west, and sections one to twenty-four, both inclusive, of town forty-five north, range six west. The following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of Sugar Island, shall constitute and be the township of Sugar Island, viz.: All that part of Chippewa county,
- Raber.
- Rudyard.
- Ste. Marie
- Sugar Island.

known as Sugar Island, and small islands in the waters adjacent thereto lying east of Hay Lake channel and north of the middle Neebish channel. The following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of Superior, shall constitute and be the township of Superior, viz.: Town forty-six north, range two west, excepting sections twenty-five, twenty-six, thirty-five and thirty-six; towns forty-six north, ranges three, four, five and six west; section thirty-one of town forty-seven north, range two west; and towns forty-seven north, ranges three, four and five west. The following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of Trout Lake, shall constitute and be the township of Trout Lake, viz.: Towns forty-four north, ranges four, five and six west; and the two southern tiers of sections in towns forty-five north, ranges four, five and six west. The following described territory situated in the county of Chippewa, Michigan, heretofore known as the township of White Fish, shall constitute and be the township of White Fish, viz.: Towns fifty and fifty-one north, range five west; towns forty-seven, forty-eight, forty-nine, fifty and fifty-one north, range six west; towns forty-seven, forty-eight, forty-nine and fifty north, range seven west.

SEC. 2. The acts and proceedings of the board of supervisors of said county of Chippewa in establishing the several townships mentioned in section one of this act are hereby ratified, confirmed and legalized. Acts of supervisors legalized.

SEC. 3. The officers heretofore elected and acting and boards constituted in each of the several townships designated in section one of this act, shall be and are, deemed to have been legally elected and acting; and their official acts and doings are deemed to be and hereby are in all things confirmed and legalized. Election of officers, deemed legal. Acts confirmed.

SEC. 4. All taxes heretofore returned delinquent on any lands in Chippewa county, shall belong to, and when paid shall be credited to, and turned over to, the township in which said lands were situated when assessed. Taxes, where credited.

This act is ordered to take immediate effect.

Approved April 19, 1905.

[No. 484.]

AN ACT to make townships and cities in Ottawa county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of said diseases, where said county is now primarily liable for said payment.

The People of the State of Michigan enact:

Claims, by
whom paid.

SECTION 1. Hereafter, within the county of Ottawa, all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for the payment of the same, shall be charged to and paid by the township or city in which the same are incurred, when audited by the township, or city boards, and shall be paid by said township or city.

Acts repealed.

SEC. 2. All acts or parts of acts contravening the provisions of this act are hereby declared inoperative in said county of Ottawa.

Approved April 19, 1905.

[No. 485.]

AN ACT to divide the township of York, in the county of Washtenaw, into two election districts.

The People of the State of Michigan enact:

Territory in-
cluded, dis-
trict number
one.

SECTION 1. The township of York, in the county of Washtenaw, is hereby divided into two election districts as follows: District number one shall consist of sections four, five, six, seven, eight, nine, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three, all situated in said township of York; and district number two shall consist of sections one, two, three, ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five and thirty-six, and such parts of sections thirty-five and thirty-six as are now comprised and incorporated in the territorial limit of the village of Milan, and all situated in said township of York.

District
number two.

Place of elec-
tion district
one.

SEC. 2. The first election to be held on the first Monday in April, nineteen hundred six, in said district number one

shall be held at a place known as Mooreville, or some other convenient or appropriate place to be selected by the township board of the said township of York; and said election to be held in district number two, at the village of Milan in said township of York. District two.

SEC. 3. The annual and special township meeting of said township shall severally be held at the place of election of district number one, or at the place of election of district number two, if the township board shall so order. Township meeting, where held.

SEC. 4. Said election district shall be subject to all the provisions of chapter ninety-five of the compiled laws of eighteen hundred ninety-seven, except the first section thereof, and all elections therein shall be conducted in the manner and by the officers prescribed by said chapter and the votes cast thereat shall be canvassed in accordance with the requirements of said chapter. Certain act to govern.

Approved April 19, 1905.

[No. 486.]

AN ACT to provide for the election of county drain commissioner in the county of Livingston.

The People of the State of Michigan enact:

SECTION 1. At the regular biennial election to be held on the Tuesday succeeding the first Monday in November, nineteen hundred six, and each two years thereafter, there shall be chosen in the county of Livingston, by the qualified electors thereof, on the same ticket as the other county officers, a county drain commissioner, whose term of office shall begin on the first day of January following his election, and continue for two years. Before entering on the duties of his office, the said duly elected drain commissioner shall take and file with the county clerk a constitutional oath of office, and shall also file a bond in the penal sum of ten thousand dollars, conditioned on the faithful discharge of the duties of his office, which bond, before filing, shall have been approved by the board of supervisors. It shall be the duty of the county clerk to make report to the Secretary of State of the election and qualification of a county drain commissioner, as a part of his report of the election and qualification of the county officers. In case of a vacancy in the office of county drain commissioner, caused either by resignation, removal from office for cause, removal from the county, or death, it shall be the duty of the judge of probate of the county of Livingston to fill the vacancy by appointment under his hand and seal. Drain commissioner, when elected. Term of office. Oath and bond where filed. County clerk, duty of. Vacancy, how filled.

When board
of supervisors
to appoint.

SEC. 2. The board of supervisors of the county of Livingston at the regular annual session held in October, nineteen hundred five, shall appoint a county drain commissioner who shall hold office for one year from January first, nineteen hundred six, or until the duly elected drain commissioner assumes the duties of his office.

This act is ordered to take effect October one, nineteen hundred five.

Approved April 19, 1905.

[No. 487.]

AN ACT to provide for the election of a county drain commissioner in the county of Macomb.

The People of the State of Michigan enact:

Drain com-
missioner.
when elected.

Term of office.

To file oath
and bond.

Amount of
bond.

Duty of
county clerk.

Present
incumbent.
term of office.

Repealing
cause.

SECTION 1. At the regular biennial election to be held on the Tuesday succeeding the first Monday in November, nineteen hundred six, and each two years thereafter, there shall be chosen in Macomb county in this State, by the qualified electors thereof, on the same ticket as the other county officers, a county drain commissioner, whose term of office shall begin on the first day of January following his election, and continue two years. Before entering on the duties of his office, said duly elected drain commissioner shall take and file with the county clerk the constitutional oath of office, and shall also file a bond in the penal sum of five thousand dollars, conditioned on the faithful discharge of the duties of his office, which bond, before filing, shall have been approved by the board of supervisors. It shall be the duty of the county clerk to make report to the Secretary of State of the election and qualification of the county drain commissioner, as a part of his report of the election and qualification of the county officers.

SEC. 2. The present incumbent of said office, shall continue to hold the same until the first day of January, nineteen hundred seven.

SEC. 3. All acts or parts of acts contravening any of the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 19, 1905.

[No. 488.]

AN ACT to change the name of the township of Sault Ste. Marie, or Ste. Marie, in the county of Chippewa, to the township of Soo.

The People of the State of Michigan enact:

SECTION 1. The township situated in the county of Chippewa heretofore known as Sault Ste. Marie, or Ste. Marie, shall be changed to and hereafter known as the township of Soo. Name of township changed.

This act is ordered to take immediate effect.

Approved April 19, 1905.

[No. 489.]

AN ACT to authorize the school district of the township of Watersmeet, in the county of Gogebic, to issue bonds of the district and sell the same, for the purpose of paying an indebtedness incurred by it and retiring bonds issued by it on account of the erection and construction of a school building in said district, and to provide for the payment of the principal and interest of such bonds.

The People of the State of Michigan enact:

SECTION 1. The board of education of the school district of the township of Watersmeet, in the county of Gogebic, is hereby authorized and empowered to issue negotiable coupon bonds of said school district to the amount of five thousand dollars, and to sell the same, for the purpose of providing funds for the payment of an indebtedness incurred by said district on account of the erection and construction of a school building in said district and for the purpose of retiring certain bonds of said district issued by said district on account of such building, erection and construction of said school building. Said bonds shall bear date the first day of August, nineteen hundred four, or on any day subsequent thereto, which said board of education may by resolution direct, shall become due and payable not later than ten years after their date, shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually, and shall be in such form and of such denomination and executed in such manner as the board of education, or a majority of the same may, by resolution, direct. Bond issue authorized. Purpose of. Date of. Rate of interest.

SEC. 2. The money raised by the sale of such bonds shall be used in redeeming six certain bonds issued by said district in the year A. D. nineteen hundred four, (and bearing date Money, how used.

the first day of August, nineteen hundred four) pursuant to a two-thirds vote of the qualified electors of said district present, at a special meeting held in said district for that purpose, among others, on the twenty-third day of July, A. D. nineteen hundred four, and in the payment of any indebtedness of said district for the payment of which any of said last mentioned bonds are held as collateral security, and the said last mentioned bonds, as soon as is convenient after they are received back from the holders thereof by said board of education, shall at a regular or special meeting of said board be destroyed, in the presence of said board, and a record of the destruction of the same shall be made by the secretary thereof.

When old bonds to be destroyed.

No. necessary to submit question to electors.

Bonds to be valid.

Act, how construed.

SEC. 3. It shall not be necessary to the validity of the bonds to be issued hereunder to submit the proposition of issuing the same to the qualified electors of said district, and no other or further proceedings or formalities than those herein enumerated shall be requisite to the validity of such bonds, but such bonds, when issued pursuant to a resolution of said board of education referring to this act for authority to issue the same, and delivered for value shall be valid and binding obligations of said school district. This act shall not be construed to limit, impair, or in any manner affect the power and authority which the said school district may have under the general statutes of this State to borrow money or incur indebtedness, but said district shall have the same power and authority to borrow money and incur indebtedness as it would have if the bonds to be issued hereunder were not issued.

To provide payment by tax.

Board to determine amount of tax, etc.

Secretary to certify amount to supervisor.

Duty of supervisor.

Money, how used.

SEC. 4. The said school district is hereby authorized and empowered to provide, by taxation upon all the taxable property in said school district, a fund sufficient to pay the principal and the interest on the bonds to be issued hereunder as such principal and such interest shall become due and payable. It shall be the duty of said board to determine when it shall be necessary to raise and levy any tax for such purpose, and the amount to be raised and levied, which same said board may do at any regular or special meeting of said board held previous to the first day of August in any year, and it shall be the duty of the secretary of said board, within thirty days after such determination to certify to the supervisor of said township the amount of such taxes to be so raised and levied for the purpose aforesaid and it shall be the duty of said supervisor to spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township and school taxes; said money so raised shall be used for no other purpose and said power of taxation herein given shall expire as soon as all of said bonds, and all of the interest thereon, shall be paid in full.

This act is ordered to take immediate effect.

Approved April 19, 1905.

[No. 490.]

AN ACT to consolidate school district number four and school district number seven of the township of Elba, in Gratiot county, by attaching all of the territory of school district number seven in said township of Elba to said school district number four, and dissolving said school district number seven aforesaid.

The People of the State of Michigan enact:

SECTION 1. All the territory embraced in school district number seven of the township of Elba, in Gratiot county, the same being entire section four and entire section nine, and the east half of section five, and the east half of section eight, and the west half of section three, and the west half of section ten, in said township of Elba, is hereby attached to school district number four in said township of Elba. ^{Territory attached.}

SEC. 2. School district number seven of the township of Elba, in Gratiot county, is hereby dissolved and the territory comprising the same shall become a part of school district number four of the township of Elba, in said county, as provided in section one of this act. ^{District dissolved.}

SEC. 3. All school district property belonging to said school district number seven shall become, and is hereby declared to be, the property of said school district number four; and the said school district number four shall become, and is hereby declared to be, obligated to pay any and all indebtedness of said school district number seven. ^{District to own property} ^{New district to assume indebtedness.}

This act is ordered to take immediate effect.

Approved April 19, 1905.

[No. 491.]

AN ACT to divide the township of Raisinville, in the county of Monroe into two election districts.

The People of the State of Michigan enact:

SECTION 1. The township of Raisinville, in the county of Monroe, is hereby divided into two election districts as follows: District number one shall consist of that portion of the township situated north of the River Raisin; and district number two shall consist of that portion of the township situated south of the River Raisin. ^{Boundaries of.}

SEC. 2. The first election to be held on the first Monday in April, nineteen hundred six, in said district number one, ^{Election, where held.}

shall be held at the place where the township meetings and elections in said township heretofore have been held; and said election to be held in district number two at the schoolhouse in district number five or at some convenient place within one mile of said schoolhouse in said township of Raisinville.

Elections,
provisions for.

SEC. 3. Said election districts shall be subject to all the provisions of chapter ninety-five of the compiled laws of eighteen hundred ninety-seven, except the first section thereof, and the officers prescribed by said chapter, and all the votes cast thereat shall be canvassed in accordance with the requirements of said chapter.

This act is ordered to take immediate effect.

Approved April 25, 1905.

[No. 492.]

AN ACT to repeal act number two hundred twenty-three of the laws of eighteen hundred forty-nine, entitled "An act to incorporate the Grand Rapids Hydraulic Company," approved April second, eighteen hundred forty-nine, and to provide for presentation and allowance of claims against the city of Grand Rapids for the value of the tangible property of said company at the time of the approval of this act.

The People of the State of Michigan enact:

Act repealed.

SECTION 1. Act number two hundred twenty-three of the laws of eighteen hundred forty-nine, entitled "An act to incorporate the Grand Rapids Hydraulic Company," is hereby repealed to take effect November first, nineteen hundred five: Provided, That for the purpose of closing up its affairs only it may be continued for one year thereafter.

Proviso.

Claim for
damages.

SEC. 2. The Grand Rapids Hydraulic Company may at any time before January first, nineteen hundred six, and not thereafter, present a claim to the common council of the city of Grand Rapids for the value of the real and tangible estate owned by it, not including franchise, at the time of the approval of this act, and transfer such property to said city in consideration therefore. If the said company and the said common council shall be unable to agree upon the valuation of said property within thirty days thereafter, then such claim may be filed within the further time of thirty days, in the form of a claim in assumpsit in the superior court of Grand Rapids, and issue framed thereon in the nature of assumpsit. The rules and practice in suits of assumpsit shall be applicable thereto. Either party to such issue may take the same for review to the Supreme Court of the

Assumpsit.

State, upon the questions of law raised upon the trial, or charge of the court made to a jury, if the same shall be tried before a jury. The amount finally awarded to said company against the city of Grand Rapids shall be a claim against the city to be paid in the same manner as other claims: Amount awarded. Provided, That if the said Hydraulic Company shall not elect to present a claim against the said city and transfer its property to said city, it may, upon giving a bond with sufficient sureties to be approved by the common council to protect the city from any damages caused thereby, remove all its tangible property from the streets, lands and alleys in said city, under the direction of the board of public works of said city, and in the event of any disturbance of the street or alley grades, or injury thereto, caused by said removal, it shall at the time of removal of its property therefrom cause the said streets, lands and alleys to be repaired and placed in as good condition as before. Proviso.

Approved April 25, 1905.

[No. 493.]

AN ACT to incorporate the public schools of the city of Marquette, in the county of Marquette, and to repeal all acts and parts of acts in conflict with this act.

The People of the State of Michigan enact:

SECTION 1. The territory comprised within the limits of the city of Marquette, in the county of Marquette as now or hereafter established, is hereby incorporated as a graded school district, under the name and style of "Public Schools of the city of Marquette;" by which name said district shall have power to contract, sue and be sued, to purchase, hold and convey real estate and personal property, to have and use a common seal, and to do all legal acts which may be necessary and proper to establish and maintain a public school system in said city and district. Territory included. Name of district.. Power of.

SEC. 2. The district hereby incorporated shall be the legal successor of school district number one, of said city; and shall have and succeed to all the property and rights thereof, and shall have and perform all the powers and duties and be subject to all the liabilities thereof not otherwise provided for in this act. To be successor of or of assume debts, etc., of district one.

SEC. 3. The powers and duties of the district hereby incorporated shall be exercised and performed by a board of education consisting of the school trustees of said district; and the present trustees of school district number one of said city shall continue in office in the district hereby incorporated. Who to assume powers and duties.

ated for the remainder of the terms they are now serving, and the moderator, director and assessor shall serve respectively as president, secretary and treasurer of said board for the remainder of their present terms and until their successors are elected and qualified; and upon the expiration of the terms of said trustees and of such officers, their successors shall be elected as herein provided.

Board of education to elect officers.

SEC. 4. The board of education shall elect from their own number a president, a secretary and a treasurer of said board; who shall be elected at the same time, for the same terms and have the same powers and perform the same duties respectively as is or may be prescribed by law for the moderator, director and assessor in graded school districts of this State, except as is otherwise provided in this act: Provided, That said board may elect to the office of secretary any school elector of said district who is not a school trustee, in which case such secretary shall have no vote in said board.

Proviso.

Authority of board.

SEC. 5. Said board of education shall have power and authority and it shall be their duty:

To lease sites, erect buildings, etc.

First, To designate and purchase or lease sites in said district for public schools, and to erect and keep in repair buildings for public school purposes and to provide furniture, appurtenances and appliances therefor: Provided, That the expense of any site and building shall not exceed ten thousand dollars, unless authorized by a majority vote of the school electors voting thereon at an annual or special election of said district;

Proviso.

To establish high school.

Second, To establish and maintain in said city primary and graded common schools, a high school or schools, and to prescribe the courses of study therein;

To employ teachers.

Third, To appoint and employ and fix the compensation of a superintendent of schools, teachers for the public schools of said district, and other employees, who shall be under the authority of said board;

To provide for census.

Fourth, To provide for the taking of the census of children of school age of said district and to do all things that shall be necessary to draw the portion of the primary school fund apportionable to said city and district; and for the purpose of the distribution of such fund said district shall be considered the same as a township and be entitled to receive its portion thereof;

To do things in interest of education.

Fifth, To do all things deemed necessary to advance the interest of education in said district and the government and prosperity of the public schools.

Sessions of board to be public.

SEC. 6. The sessions of the board of education shall be public, and said board may prescribe rules governing their proceedings, and shall cause a full record of their proceedings to be forthwith made in a book and kept for that purpose; which record shall be certified by the president and secretary, and said book shall be deemed a public record and be at all times open to public inspection. The secretary shall cause the proceedings of each session of said board to be published

Record, how certified.

Proceedings to be published.

in a newspaper of said city within thirty days after such session.

SEC. 7. The secretary shall receive such compensation for his services as such officer as the board of education shall determine. No member of the board shall be a party to or interested in any contract with the public schools. Salary of secretary.

SEC. 8. All resignations of trustees shall be made to the board of education, subject to their approval and acceptance; and the board shall have power to fill any vacancy that may occur in their number until the next annual election. Resignations, to whom made.

SEC. 9. In all matters not expressly provided for in this act said district and the schools and officers thereof shall be subject to and governed by the general school laws and laws applicable to schools, school districts and school officers that are now or that may hereafter be in force in this State, not in conflict herewith. General school laws to govern.

SEC. 10. The controller of the city of Marquette shall have and exercise with respect to said district and its officers and affairs, the power and authority conferred upon him in reference to the boards and school districts of said city, and the officers and affairs thereof by the charter of said city; and no account or claim or demand, except for established salaries, shall be received for audit or allowances or be allowed by said board unless it shall be first presented to the controller accompanied by an affidavit of the person rendering it, or by some person in his behalf to the effect that he verily believes that the services or property therein charged for are reasonable and just, and that to the best of his knowledge and belief no set-off exists nor payment has been made on account thereof, except such as are endorsed on or referred to in such account or claim. Every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be a sufficient defense in any court in any action or claim against said district for the collection of any demand or claim, that it has never been presented to the controller verified as aforesaid, for allowances or that the claim was presented without the affidavit aforesaid and rejected for that reason, or that the action or proceeding was brought before the board of education had had a reasonable time to investigate and pass upon it. City controller, power of.
Accounts, how audited.
What shall be sufficient defense in court.

SEC. 11. The board of education of said district shall, before the first Monday in June of each year estimate and determine by resolution entered upon its records, the amount of money necessary to be raised by tax in said district, in addition to all other moneys for the entire support of the public schools for the ensuing year, the payment of indebtedness and for all other purposes of said board; and a statement thereof certified by the president and secretary shall be filed with the recorder of said city on or before the first Monday of June in each year; and it shall be the duty of the common council of said city to raise said amount by special Estimate of annual expense, when made.
How certified, and filed.
Council to raise by tax.

tax upon the general tax roll of said city, in addition to the amount authorized in the charter of said city, in the same manner as general taxes, the same to be designated "school tax," in said roll. Said tax may be raised with the mill tax, in a column to be designated "school and mill tax."

Board of education may borrow money.

SEC. 12. For the purchase of a schoolhouse site or sites and to erect, furnish and equip school buildings; or to refund or renew bonds issued for such purposes, or for the refunding or renewal of such refunding or renewal bonds, the board of education shall have the power to borrow upon the credit of said school district, from time to time, upon the best terms they can make, for such time as they shall deem expedient, at a rate of interest not exceeding seven per cent per annum, a sum of money not exceeding in the aggregate, including the present bonded indebtedness of the school district now comprising said city for school purposes, five per cent of the assessed value of the property of said district hereby incorporated, as shown by the last preceding assessment roll of said city; and they shall have authority to issue bonds pledging the faith and credit of said district for the payment of the principal and interest of such bonds. And said board of education shall have power to refund or renew any bonds of said district heretofore or hereafter issued for school purposes, and outstanding at any time, by the issue of new bonds in their stead. And it shall be the duty of said board of education to keep a register of all bonds issued by them, showing the number, date and amount of each, and to whom issued, and when payable; which bonds shall be signed by the president, the secretary and treasurer of the board of education, and shall be presented to the controller of said city for countersigning: Provided, That no such bonds, other than refunding or renewal bonds, shall be issued causing the total bonded indebtedness of said school district for school purposes, including the present bonded indebtedness of said district for school purposes, to exceed the sum of ninety thousand dollars, until the amount proposed to be raised and the purpose thereof shall have been submitted to the legal voters of said district and been approved by a majority vote by ballot of all the qualified school electors voting thereon at any annual or special election in said district.

May issue bonds.

May refund or renew bonds.

Shall keep register of bonds.

How signed.

Proviso.

How district divided into two precincts.

SEC. 13. Said district shall be considered one election precinct unless otherwise ordered by the board of education which shall have power from time to time by resolution entered on their records and published in a newspaper of said district at least thirty days prior to any election of said district, to divide said district into two or more election precincts, which shall each contain one or more entire wards of said city; and such division shall stand until changed by said board, and the election shall be held in such precincts by the school electors thereof.

School trustees, when elected.

SEC. 14. The election of school trustees shall be held on the first Monday of September of each year, at such place in

each election precinct as shall be designated by the board of education.

SEC. 15. The election of school trustees shall be by ballot, and the person or persons, in case of the election of two or more trustees at the same time, receiving the greatest number of votes shall be declared elected to the office of school trustee of said district. Persons declared elected.

SEC. 16. In all matters pertaining to the manner of registration of electors, the preparation of ballots, the conduct of elections and the canvass of the result, the same shall be in all matters not provided for in this act, as near as may be, as is or may be provided by law for the registration of electors, the preparation of ballots, the conduct of elections and the canvass of the result in city elections in the said city of Marquette. Laws of city to govern registration, canvass, etc.

SEC. 17. Every person who shall have resided in any election precinct of said district for twenty days next preceding any annual or special election of said district and shall also possess the qualifications of a school elector under the laws of this State and shall be duly registered, shall be a qualified elector of said district at such election. Qualified electors, who deemed.

SEC. 18. The board of education shall provide a suitable book for said district, or for each election precinct thereof, to be known as the "register of school electors" of said district or precinct; and as soon as practicable after this act shall take effect, shall cause to be copied into such register or registers the names of all the qualified electors of the city of Marquette residing in said district or precinct, as the same shall appear upon the several books of registration thereof, the school census and the tax roll of such district. The recorder of said city shall furnish facilities and opportunity for the purpose aforesaid. The register or registers of election so made up, subject to the additions and other changes lawfully made by the board or boards of registration of said district, shall be the register of electors for said district or precincts thereof, for use at the subsequent elections therein: Provided, Said board of education may at any time provide for re-registration of the school electors of said district or precincts thereof, upon the like notice required for a special meeting of a school district by the general law of this State; whereupon such new register or registers shall be the register of school electors of said district or precincts thereof. Register of electors who to furnish. How made out. To be register for subsequent elections.

SEC. 19. The board of education shall procure all necessary election seals, ballot boxes, election booths and other things necessary for the conduct of school elections, and shall pay all the expense thereof. Proviso. Board to furnish ballot boxes, etc.

SEC. 20. At least twenty days prior to each annual election of said district the board of education shall appoint, from their own number so far as practicable three qualified school electors of said district as a board of school election commissioners; and also three school electors as a board of registration and election inspectors for each election pre- Election commissioners, when appointed, etc. Inspectors of election.

Clerks of election. Powers and duties.	cinct; all of whom shall take and file with the secretary the constitutional oath of office and serve until their successors are appointed by said board and shall qualify in the manner aforesaid. Said board shall also prior to each election in said district, appoint such clerks of election and such other officers as they deem necessary to conduct such election; and said election commissioners, registration and election inspectors and other officers of election shall have the same powers and perform the same duties, as near as may be, with respect to school elections, as the like officers of said city in city elections, and shall receive such compensation as said board may prescribe or allow: Provided, That no person who is a candidate for school trustee at any election shall serve as election commissioner or as election inspector for such election.
Proviso.	SEC. 21. On the second Saturday next preceding any annual election or the first Saturday preceding any special election and on such other days as shall be appointed therefor by the board of education, not exceeding three days in all, previous to any such election, the board or boards of registration shall be in session at such place or places as shall be designated therefor, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the list of qualified electors. Notice of such registration shall be given by posting notices thereof in at least ten public places in each election precinct and it shall not be necessary to embrace in such notice the names of registered electors.
Board of registration, when to meet.	SEC. 22. During the sessions of any such board of registration it shall be the right of every person who may be a qualified school elector of said district at the next ensuing election and whose name is not already registered to have his or her name entered in the register of electors of the precinct where he or she may be entitled to vote. Opposite the name of each woman on such register shall be indicated the special grounds of her qualifications as a school elector, whether as parent or guardian of a child embraced in the school census of said district, or as owner of property assessed for school taxes in said district; and the abbreviations "parent," "guardian" and "property owner" may be used to indicate such ground respectively.
Notice of registration, how given.	SEC. 23. All nominations for the office of school trustee at any election in said district shall be by petition signed by at least fifty qualified registered school electors of said district and the name of no petitioner shall be counted more than once for any candidate, nor for any candidate if petitioning for the nomination of more candidates than there are trustees to be elected at such election. All petitions of nomination shall be filed with the election commissioners of said district at least five days before the election; and upon the expiration of the time for the filing of such petitions the
Who may register.	
Women, how registered.	
Nominations, how made.	
Petitions, when filed, etc.	

election commissioners shall publicly proceed to determine by lot, the place which each candidate for whose nomination a proper petition has been filed with them, shall have upon the official ballot.

SEC. 24. The polls of election shall be open at eight o'clock in the forenoon and be kept open continuously until eight o'clock in the afternoon, and no longer. As soon as the polls are closed the election inspectors shall immediately canvass the votes, declare the result thereof, and make out a statement thereof, and file the same with the secretary of the board of education and deposit with him the ballot box, one poll list and the register of school electors.

Time polls to be kept open.

When canvass to be made.

SEC. 25. In case said district is divided into election precincts, said election commissioners shall meet at the office of the secretary upon the day following any such election and canvass the returns of such election and determine therefrom, and publicly announce the result and make and file a certificate thereof with the secretary. In case of a tie vote the canvassers of the votes shall determine by lot between the persons having such tie vote who shall be deemed elected as school trustee.

Canvass of votes, in election precincts.

In case of tie, how result determined.

SEC. 26. The secretary shall immediately upon the determination of the result of any election, certify the same to the person or persons elected, who shall qualify within ten days after such election.

Secretary to certify result.

SEC. 27. The board of education shall determine the manner and form of submitting to the electors any question requiring their approval, and the vote thereon shall be upon ballots to be prepared by the election commissioners, and may be upon the same ballot as that used for the election of school trustees, or upon a separate ballot as said board of education may direct; and the like proceedings shall be had, as near as may be for the determination and announcement of the result of the vote upon any such question, as upon the election of school trustees.

Board to determine manner of submitting questions to electors.

SEC. 28. All acts and parts of acts contravening any of the provisions of this act are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved April 25, 1905.

[No. 494.]

AN ACT to authorize the city of Marine City, in the county of Saint Clair and State of Michigan, to grant to any person or persons or to any duly authorized corporation, a franchise for the supplying to the city or the inhabitants thereof, or both, gas or electricity, or both, for illuminating or other purposes for the period of thirty years.

The People of the State of Michigan enact:

Franchise,
length of.

SECTION 1. The common council of the city of Marine City may grant a franchise for any period of time not exceeding thirty years, by a majority vote of all the aldermen elect, for the use or occupancy of any of the streets, alleys, wharves and public grounds to any person or persons, or to any duly authorized corporation, for the supplying of said city, or the inhabitants thereof, or both, with gas or electricity, or both, for illuminating or other purposes, upon such terms or conditions as may be agreed upon; and may grant to such person, persons or corporation the right to the use of the streets, alleys, wharves and public grounds of said city, as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such gas or electricity or both, upon such terms and conditions as shall be specified in said franchise: Provided, however, That nothing herein contained shall in any case authorize the common council of said city to contract for the lighting of the streets or public buildings of said city for a longer period than ten years.

Proviso.

This act is ordered to take immediate effect.
Approved April 25, 1905.

[No. 495.]

AN ACT to authorize the city of Saint Clair, in the county of Saint Clair and State of Michigan, to grant to any person or persons or to any duly authorized corporation a franchise for the supplying to the city or the inhabitants thereof, or both, gas or electricity, or both, for illuminating or other purposes for the period of thirty years.

The People of the State of Michigan enact:

Franchise,
length of.

SECTION 1. The common council of the city of Saint Clair may grant a franchise for any period of time not exceeding thirty years, by a majority vote of all the aldermen elect, for

the use or occupancy of any of the streets, alleys, wharves and public grounds, to any person or persons or to any duly authorized corporation, for the supplying of said city or the inhabitants thereof, or both, with gas or electricity, or both, for illuminating or other purposes, upon such terms and conditions as may be agreed upon; and may grant to such person, persons or corporation the right to the use of the streets, alleys, wharves and public grounds of said city, as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such gas or electricity, or both, upon such terms and conditions as shall be specified in said franchise: *Provided, however, That* Proviso. nothing herein contained shall in any case authorize the common council of said city to contract for the lighting of the streets or public buildings of said city for a longer period than ten years.

This act is ordered to take immediate effect.

Approved April 25, 1905.

[No. 496.]

AN ACT to amend section one of act number four hundred thirty-three of the local acts of nineteen hundred one, entitled "An act to authorize the making of special assessments to pay for the construction of drains and sewers in the village of Highland Park in the county of Wayne," as amended by act number five hundred twenty-eight of the local acts of nineteen hundred three.

The People of the State of Michigan enact:

SECTION 1. Section one of act number four hundred thirty-three of the local acts of nineteen hundred one, entitled "An act to authorize the making of special assessments to pay for the construction of drains and sewers in the village of Highland Park in the county of Wayne," as amended by act number five hundred twenty-eight of the local acts of nineteen hundred three, is amended so as to read as follows: Section amended.

SECTION 1. The village council of Highland Park may create special assessment districts and raise, by special assessment therein, in the manner provided in chapter eight of act number three of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," and the amendments thereto, for street paving assessments, such sums as it may deem necessary for the purpose of paying for the construction of drains and sewers: Special districts, council may create.

Provided, In no case shall the whole amount to be levied by special assessments upon any lot or premises for the construction of such drain or sewer exceed twenty-five per cent of the value of such lot or premises, as valued and assessed in the last preceding tax roll: Provided further, That the council shall in all cases advertise for bids for the construction of proposed drains and sewers, and shall in no case award bids, except to the lowest responsible bidder: And further provided, That in proposed districts, where there are no taxpayers residing within the district, the powers of the village council herein granted shall not be exercised except upon petition, duly signed, of taxpayers owning property within the proposed district valued on the last preceding assessment roll at thirty per centum, or more, of the total assessed valuation of the proposed district.

Proviso.

Further proviso.

Further proviso.

This act is ordered to take immediate effect.

Approved April 25, 1905.

[No. 497.]

AN ACT to amend act three hundred forty-two of the local acts of nineteen hundred three, entitled "An act to establish a township road system in the township of Farmington, county of Oakland, and to provide for the raising of funds therefor, and the appointment and election of four township overseers of highways and to prescribe their powers and duties," by adding one new section thereto to be known as section thirteen.

The People of the State of Michigan enact:

Act amended. SECTION 1. Act number three hundred forty-two of the local acts of nineteen hundred three, entitled "An act to establish a township road system in the township of Farmington, county of Oakland, and to provide for the raising of funds therefor, and the appointment and election of four township overseers of highways and to prescribe their powers and duties," is hereby amended by adding one new section thereto to be known as section thirteen, to read as follows:

Township board, powers of.

Moneys collected.

SEC. 13. The township board of said township shall have power to levy and cause to be collected, in each year, a poll tax of one dollar upon every male inhabitant between the ages of twenty-one and fifty, excepting such persons as are exempted by general law from the payment of such tax. All moneys collected by virtue of this section shall be paid into the general highway fund.

This act is ordered to take immediate effect.

Approved April 25, 1905.

[No. 498.]

AN ACT to authorize and empower the common council of the city of Alpena to transfer the sum of fifty thousand dollars of the money received, or to be received, from sale of bonds issued under act number four hundred ten of the local acts of the year eighteen hundred ninety-nine, entitled "An act to authorize the common council of the city of Alpena to construct or purchase, own and maintain a system of electric light works, and to provide means for constructing or purchasing, maintaining and managing the same," as amended, to the fund for construction of water works and to use said money to pay the cost of construction of a system of water works for the use of said city of Alpena and the inhabitants thereof.

The People of the State of Michigan enact:

SECTION 1. The common council of the city of Alpena are hereby authorized and empowered to transfer the sum of fifty thousand dollars of the money received, or to be received, from the sale of bonds issued under act number four hundred ten of the local acts of the year eighteen hundred ninety-nine, entitled "An act to authorize the common council of the city of Alpena to construct or purchase, own and maintain a system of electric light works, and to provide means for constructing or purchasing, maintaining and managing the same," as amended, to the fund for construction of water works, and to use said money to pay the cost of construction of a system of water works for the use of said city of Alpena and the inhabitants thereof.

Act authorizing transfer of funds.

This act is ordered to take immediate effect.

Approved April 25, 1905.

[No. 499.]

AN ACT to amend section one of chapter twenty-five of act number four hundred two of the local acts of nineteen hundred three, entitled "An act to reincorporate the city of Hastings, and to repeal act number two hundred sixteen of the session laws of eighteen hundred seventy-one, entitled 'An act to incorporate the city of Hastings,' approved March eleven, eighteen hundred seventy-one, as revised and amended by the several acts revisionary and amendatory thereof."

The People of the State of Michigan enact:

SECTION 1. Section one of chapter twenty-five of act number four hundred two of the local acts of nineteen hundred

Section amended.

three, entitled "An act to reincorporate the city of Hastings, and to repeal act number two hundred sixteen of the session laws of eighteen hundred seventy-one, entitled 'An act to incorporate the city of Hastings,' approved March eleven, eighteen hundred seventy-one, as revised and amended by the several acts revisionary and amendatory thereof," is hereby amended so as to read as follows:

Fiscal year,
when to
commence.

SECTION 1. The fiscal year shall commence on the tenth day of March of each year and shall continue until the tenth day of March of the year following.

This act is ordered to take immediate effect.

Approved April 25, 1905.

[No. 500.]

AN ACT to amend section three of title thirty of the local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Holland."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section three of title thirty of the local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Holland," is hereby amended to read as follows:

Annual
election,
when held.

SEC. 3. The regular annual election of school trustees shall be held on the second Monday of July in each year. The term of office of the present school trustees shall be extended from the first Tuesday of May in each year in which the terms now expire to the second Monday in July of such year respectively. Three school trustees shall be elected annually for the term of three years, from the second Monday in July of the year when elected, and until their successors are qualified and enter upon the duties of their offices.

School trus-
tees, term of
office

This act is ordered to take immediate effect.

Approved April 25, 1905.

[No. 501.]

AN ACT to prohibit the performance of any labor in the dredging out, straightening, widening, or deepening of the Thornapple river in the village of Nashville in the county of Barry, State of Michigan, without the consent of the village council of the village of Nashville.

The People of the State of Michigan enact:

SECTION 1. That no corporation, person or association of persons, or any public officer, shall perform any labor in dredging out, straightening, widening or deepening the Thornapple river in the village of Nashville, Barry county, Michigan, without first obtaining the consent of the village council of the said village of Nashville. No dredging, etc., without consent of council.

This act is ordered to take immediate effect.

Approved April 26, 1905.

[No. 502.]

AN ACT to amend sections six, seven, thirteen, fourteen, fifteen and sixteen, of an act entitled "An act to consolidate school districts number one and seventeen of the city of Jackson, and townships of Blackman and Summit, to be known as the union school district of the city of Jackson, to define its rights, powers and duties and to provide for its government and the management and control of the schools," being local act number four hundred fifty-three of the local acts of the legislature of Michigan for the year eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. Sections six, seven, thirteen, fourteen, fifteen and sixteen of "An act to consolidate school districts numbers one and seventeen of the city of Jackson and townships of Blackman and Summit, to be known as the union school district of the city of Jackson, to define its rights, powers and duties and to provide for its government and the management and control of its schools," are hereby amended so as to read as follows: Sections amended.

SEC. 6. The annual election of trustees of said union school district shall be held on the first Tuesday of September in each year. At the election in the year eighteen hundred ninety-seven the qualified electors of said district shall elect by ballot two trustees who shall reside within the ter- Annual election, date of. Trustees, when elected, and terms of office.

three, entitled "An act to reincorporate the city of Hastings, and to repeal act number two hundred sixteen of the session laws of eighteen hundred seventy-one, entitled 'An act to incorporate the city of Hastings,' approved March eleven, eighteen hundred seventy-one, as revised and amended by the several acts revisionary and amendatory thereof," is hereby amended so as to read as follows:

Fiscal year,
when to
commence.

SECTION 1. The fiscal year shall commence on the tenth day of March of each year and shall continue until the tenth day of March of the year following.

This act is ordered to take immediate effect.

Approved April 25, 1905.

[No. 500.]

AN ACT to amend section three of title thirty of the local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Holland."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section three of title thirty of the local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Holland," is hereby amended to read as follows:

Annual
election,
when held.

SEC. 3. The regular annual election of school trustees shall be held on the second Monday of July in each year. The term of office of the present school trustees shall be extended from the first Tuesday of May in each year in which the terms now expire to the second Monday in July of such year respectively. Three school trustees shall be elected annually for the term of three years, from the second Monday in July of the year when elected, and until their successors are qualified and enter upon the duties of their offices.

School trus-
tees. term of
office

This act is ordered to take immediate effect.

Approved April 25, 1905.

AN ACT TO PROVIDE FOR THE
 GRADING OF STREETS
 THROUGHOUT THE CITY OF
 OF THE CITY OF
 THE CITY OF

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SECTION 1. The board of
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 GRADING OF STREETS
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AN ACT TO PROVIDE FOR THE
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To examine as
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 legally qualified
 without further or other
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 and board of education:

teachers employed from
 deemed necessary by

Proviso.

and of education may formu-
 they either by tax or by the
 proper to submit to the vote
 id school district, and special
 called for the single purpose

How board
 may submit
 question of
 bond issue.

tion; and any such special elec-
 given as of a special meeting,
 than the voting and canvass and
 shall have been transacted, shall for
 and considered a special meeting of
 school district, and whenever the electors
 voted to raise money either by tax

What deemed
 special meet-
 ing.

	<p>ritory now embraced within said school district number one, for the term of three years, and in the year eighteen hundred ninety-eight, two trustees who shall reside in the territory embraced within said school district number one for three years and one trustee for three years and one for two years, who shall reside in the territory embraced within said school district number seventeen, who, with the trustees holding over, shall constitute a board of ten trustees, and annually thereafter said electors shall in the same manner elect three trustees, two of whom shall reside in the territory now embraced within said district number one, and one within the territory now embraced within said district number seventeen, who shall hold their offices for three years and until their successors shall have been elected and qualified; and, together with the trustees holding over, shall constitute a board of nine trustees. Said trustees shall be known as the board of education of union school district of the city of Jackson. When the office of any trustee shall become vacant by death, resignation, removal from said district or from the territory from which elected or other cause, said board of education shall fill such vacancy by appointing a trustee from the territory where said trustee resided at the time of his election, who shall hold office until the next annual school election, at which a trustee shall be elected for the unexpired portion of said term.</p>
How known.	
Vacancies, how filled.	
Place of election.	<p>SEC. 7. The annual election of trustees of said district shall be held at such place or places therein as said board of education shall designate, public notice of which shall be given by posting up printed notices thereof in at least fifteen prominent places in the city of Jackson, not less than ten days preceding such election and by publishing in such newspapers of said city, as said board shall direct, copies of said notice for ten consecutive days prior thereto. Ballot boxes shall be provided at the expense of said district for use therefor and the polls of election shall be open at eleven o'clock in the forenoon and remain open until seven o'clock in the afternoon.</p>
Notice, how given.	
Time polls to be open.	
When trustees to file acceptance.	<p>SEC. 13. Within seven days after said election the persons declared elected trustees shall file with the secretary of said board of education a written acceptance of office, and on the first Tuesday after said election said board of education shall meet at such hour and place as shall be determined by the rules regulating the meeting of said board and elect from their number a president, secretary and treasurer, who shall severally hold their offices one year and until their successors are duly elected and enter upon the duties of their respective offices and who shall have the powers conferred upon the moderator, director and assessor of school districts of this State, in addition to those conferred by this act and from time to time by said board of education. The treasurer shall, before entering upon the duties of his office, execute to such</p>
When board to elect officers.	
Treasurer to give bond.	

union school district a bond in such penalty and with such conditions and sureties as shall be directed or approved by said board of education.

SEC. 14. Said board of education shall have power to ap- Board of education, powers of.
 point a superintendent of schools and such principals and other employees as it shall deem necessary, define their powers and duties and fix their compensation; to employ all necessary teachers and fix their compensation; to classify and grade the several schools and determine the qualifications for admission thereto and the conditions for remaining therein and which of the schools or department pupils shall attend; and the right is hereby conferred upon said board to refuse admission to any pupil or pupils or to permit any pupil or pupils to remain in attendance at any of the schools of such district unless such pupil or pupils shall have complied with the rules of the board of health of the city of Jackson; to adopt courses of study and text books and to provide for such studies and instructions as said board may deem beneficial to the pupils of said district; to make such rules and by-laws as it may deem necessary for the preservation of the property of the district and government of the schools thereof and the proceedings of said board and in reference to all other business and matters connected therewith, and to levy and collect such sums as said board may deem proper for the tuition of pupils taught in said schools, who are not actual residents of said district or authorized by the general laws of this State to attend said schools without the payment of tuition. Said board of education shall, before employing teachers, examine them or cause them to be examined as to their qualifications, which examination may be conducted according to the general laws of this State providing for the examination of teachers, or in such other manner as said board of education shall determine, and all teachers employed by said board shall be considered legally qualified teachers under the laws of this State without further or other examination, and no teacher shall be employed who does not pass an examination satisfactory to said board of education: To examine as to qualifications of teachers.
 Provided, No further examination of teachers employed from year to year shall be required unless deemed necessary by said board of education. Proviso.
 Said board of education may formulate any proposition to raise money either by tax or by the issue of bonds which it deems proper to submit to the vote of the qualified electors of said school district, and special meetings or elections may be called for the single purpose of voting upon such proposition; and any such special election of which notice has been given as of a special meeting, although no other business than the voting and canvass and return of the votes cast shall have been transacted, shall for all purposes be deemed and considered a special meeting of the electors of said school district, and whenever the electors of the district shall have voted to raise money either by tax How board may submit question of bond issue.
What deemed special meeting.

Board may designate sites, employ architects, etc.

What deemed valid action.

or the issue of bonds for the purpose of erecting a school-house or schoolhouses without designating the site or sites therefor, the said board of education shall be and is hereby authorized to designate such site or sites, to negotiate with the owners of the lands designated, to agree upon prices, and purchase such site or sites for the erection of buildings, to employ architects and to appoint a building committee to act under its instructions either from its own members or from the qualified voters of the district or partly from its members and partly from other qualified voters; and it shall be sufficient in the case of an action heretofore taken by said board either to formulate a proposition submitted to the electors at a special election or to designate a site or sites for schoolhouses, or to purchase the same or to employ architects or to appoint building committees to make such action valid and altogether lawful as of the time when such action was taken, if the said board of education shall at any time hereafter by a majority vote of all its members confirm such previous action.

Annual meeting, when held.

Special meetings, when called. Powers of electors.

Qualification of.

Estimate of moneys needed to be published.

SEC. 15. The annual meeting of the electors of said union school district or the annual school meeting so called shall be held at such time and place in said school district as the board of education may direct, on the same day after the annual election, or the next succeeding day, notice of which meeting shall be given with the notice of the annual election. Special meetings may be called by the board of education whenever it shall be by said board deemed for the interest of said school district. At such annual or special meetings the qualified electors of said district may exercise the powers now, or hereafter conferred by the general laws of this State upon district school meetings in school districts, except as otherwise provided in this act. The qualification of electors at such meetings shall be the same as are now or may hereafter be provided by the general laws of the State for electors in school districts; like notice of any such annual or special meeting shall be given by said board as is required to be given for the election of trustees heretofore in this act provided. Said board of education shall at least six days before the time of holding any annual meeting cause to be published in at least two of the daily papers of the city of Jackson an estimate of the money required to be raised by tax by said district for the ensuing year.

When electors may authorize tax levy.

SEC. 16. The qualified electors of said district as herein in this act provided may by a majority vote at any annual meeting or special meeting called for that purpose, raise by tax upon the taxable property of the district, such sum or sums of money as shall be deemed necessary to purchase lots, erect school buildings, repair, light, heat and furnish the same and improve and keep in suitable condition the grounds and walks connected therewith, to provide necessary apparatus, pay superintendents, principals, teachers, employees

and officers and all expenses necessary or incidental to the proper maintenance of the schools and school buildings of said district and to make the said schools free of tuition to the resident pupils therein. In case said electors at such annual or special meeting refuse or neglect to vote the taxes last above referred to, except for the purpose of purchasing sites and erecting school buildings thereon, said board of education shall have the power and it shall be its duty to cause such taxes to be levied and collected. Said electors may at any annual meeting or special meeting called for that purpose by a majority vote authorize said board to borrow money on the bonds of the district for such term of years and at such rate of interest, not exceeding five per cent, as said electors may determine, for the purpose of purchasing sites for and the erection of school buildings thereon or additions or repairs or for the payment of bonds due or to become due: When board may cause taxes levied. Provided, That the bonded indebtedness of said union school district shall at no time exceed the sum of one hundred seventy-five thousand dollars. Electors may authorize bond issue.

This act is ordered to take immediate effect.

Approved April 26, 1905.

[No. 503.]

AN ACT to provide the manner of nominating and electing a highway commissioner, and for the assessment and levy of taxes for highway purposes in the township of Hampton, Bay county, Michigan.

The People of the State of Michigan enact:

SECTION 1. The township of Hampton, Bay county, Michigan, is hereby divided into two election districts as follows: Election districts, how divided. Election district number one shall comprise all of the territory now included, or that may hereafter be included, within the corporate limits of the village of Essexville; and election district number two of said township shall comprise all of the territory of said township outside of the corporate limits of said village of Essexville.

SEC. 2. The highway commissioner of said township of Hampton shall be nominated and elected each year by the electors of said township residing and voting in election district number two, and in the manner now provided by law. Commissioner, how nominated and elected. The compensation of said commissioner shall be paid him in the manner now provided by law, but said district number one shall be repaid out of the contingent fund of said township the portion of such compensation paid by it each year. Compensation.

Caucuses, etc. **SEC. 3.** The various township committees of said township shall call their respective caucuses for the nomination of township officers in the manner now provided by law, except that the general nominating caucuses for said township shall not place in nomination any candidate for the office of highway commissioner. Said township committees shall at such reasonable time as they may respectively determine, and within the time provided by law for nominating caucuses to be held, call a caucus of the electors of election district number two of said township for the purpose of placing in nomination a candidate for highway commissioner of said township, and no person shall be qualified to vote at the last mentioned caucus except those who are resident electors in district number two of said township: **Provido.** That the caucus for the nomination of highway commissioner shall be held in election district number two, and such caucus shall not be held on the date that the general caucus for the nomination of township officers is held.

Election commissioners, duties of. **SEC. 4.** The candidates nominated by the several caucuses herein provided for shall be certified in the manner provided by law, by the respective township committees to the board of election commissioners of said township, and said board of election commissioners shall cause to be printed and shall furnish for the use of the electors, in each election held in said township, ballots to be voted at such elections as follows: **Ballots, what to contain.** The ballots furnished for and voted in election district number one shall contain the names of the candidates for all township officers to be voted for at said election, except the candidates for the office of highway commissioner; and the ballots furnished for and voted in election district number two shall contain the names of all candidates for the various township offices, including the candidates for the office of highway commissioner, and only the qualified electors residing in said district number two of said township shall be entitled to vote for any person for the office of highway commissioner of said township. **Votes canvassed.** The votes cast at all township elections in said township shall be canvassed by the election inspectors of said districts number one and two as now provided by law, and certified to the proper canvassing board in said townships, and the votes cast at all such elections shall be canvassed by said canvassing board in manner provided by law, and the person receiving the highest number of votes cast in election district number two for the office of highway commissioner shall be declared elected to said office.

Statute labor and money tax. **SEC. 5.** The statute labor and money tax authorized by law to be voted and raised in said township for highway purposes shall be voted and raised by the electors residing in election district number two, in the same manner and at the time prescribed by law in townships having only one election district, and such statute labor and money tax voted and

raised as aforesaid for highway purposes shall be levied and spread upon the taxable property of election district number two: Provided, That the township board of said township shall have authority to determine and may vote and levy upon the taxable property of election district number two such sum or sums of money for highway purposes to be raised in the year nineteen hundred five as said board may determine, within the limits fixed by the general laws of this State.

This act is ordered to take immediate effect.

Approved April 26, 1905.

[No. 504.]

AN ACT to amend section three of act number four hundred ten, of the local acts of eighteen hundred ninety-nine, entitled "An act to authorize the common council of the city of Alpena to construct or purchase, own and maintain a system of electric light works, and to provide means for constructing or purchasing, maintaining and managing the same," approved May twenty-five, eighteen hundred ninety-nine, as amended by act number four hundred fifty-six of the local acts of nineteen hundred one.

The People of the State of Michigan enact:

SECTION 1. Section three of act number four hundred ten of the local acts of eighteen hundred ninety-nine, entitled "An act to authorize the common council of the city of Alpena to construct or purchase, own and maintain a system of electric light works, and to provide means for constructing or purchasing, maintaining and managing the same," approved May twenty-five, eighteen hundred ninety-nine, as amended by act number four hundred fifty-six of the local acts of nineteen hundred one, is hereby amended so as to read as follows:

SEC. 3. The management and control of said system of electric works, when so constructed or purchased and owned by said city of Alpena, shall be vested in the water board provided for in act number four hundred forty-one of the local acts of eighteen hundred ninety-five, entitled "An act to authorize the city of Alpena to construct or purchase, own and maintain a system of water works, and to provide means for constructing or purchasing, maintaining and managing the same," approved May twenty-four, eighteen hundred ninety-five. And said water board shall have such powers concerning the management and maintenance of such system of electric light works as may, from time to time, be conferred upon said board by said common council, and such other powers as are provided in act number four hundred forty-one

Section amended.

Management and control, in whom vested.

Water board, powers of.

Annual report of.

Report, what
to show.

of the local acts of eighteen hundred ninety-five; and each year before the annual election they shall make to the common council a full report in writing of their doings, which said report, among other things, shall show an estimate of the amount necessary to be raised by taxation for all of the expenses of said board, including payment of said bonds and interest thereon, which said sum so recommended by said board shall be raised by said common council of the city of Alpena in like manner as other expenses of said city are raised by taxation.

This act is ordered to take immediate effect.

Approved April 26, 1905.

[No. 505.]

AN ACT to provide for the payment of salaries to the sheriff, clerk, treasurer, register of deeds and deputies of said offices of Shiawassee county, Michigan, and provide for the collection of all fees and payment of the same to the county treasurer.

The People of the State of Michigan enact:

Salaries etc.

SECTION 1. The board of supervisors of Shiawassee county, Michigan, is hereby empowered to pay the sheriff, county clerk, county treasurer, register of deeds and such deputies as the board of supervisors allow, out of the county treasury, such annual salaries as the board of supervisors may determine. Such salaries shall be fixed and determined by said board at the first meeting of the board in the year in which the election of said officers is to take place; and such compensation shall be in full for all services for which the county may be liable and in lieu of all fees which are fixed by law; and which salary shall neither be increased nor diminished during the term for which said officers shall be elected.

Sheriff to
make report.

SEC. 2. The sheriff and deputies who receive a salary shall collect and make itemized statement of all fees required by law for the service of any process other than that of the county which shall be paid to the county treasurer, the last day of each month, taking duplicate receipts therefor. The county treasurer, county clerk and register of deeds shall collect all fees required by law and make out an itemized statement of the same and pay them to the county treasurer the last day of each month, taking duplicate receipts therefor: Provided, That after this bill shall have become operative, before any suit at law or in chancery shall be commenced in said court, there shall be paid to the clerk of said court, by the party commencing such suit, the sum of three dollars,

Proviso.

and before any final judgment or decree shall be entered in any such suit, there shall be paid to the clerk of said court, by the prevailing party the sum of four dollars. And if a jury shall be demanded by either party to any such suit, such party shall, at the time of making such demand, pay to said clerk the sum of three dollars: Provided further, That in case both parties shall demand a jury, the clerk shall receive such sum from the party first making the demand therefor, and from him only. All moneys so received shall be paid by said clerk to the county treasurer as provided in section three of this act. The sums paid, as aforesaid, shall be held to be in full of all clerk entry and jury fees in any such suit from the commencement thereof to and including the issuing and return of execution or other final process. The sum or sums so paid shall be taxed as costs of suit in favor of the party paying the same if he be the prevailing party, in addition to any other costs to which he may be entitled by law.

Further proviso.

Costs of suit, etc.

SEC. 3. The salaries aforesaid shall be paid monthly by the county treasurer, upon a warrant issued by the county clerk, but not until the itemized statement of all fees collected and paid over to the county treasurer, as aforesaid, has been sworn to and filed with the county treasurer and a duplicate of the receipt therefor filed with the county clerk.

Salaries, paid monthly.

SEC. 4. All moneys received by the county treasurer by virtue of this act, shall be credited to the general fund of the county.

Moneys, where credited.

SEC. 5. The board of supervisors are hereby empowered to pay the sheriff or his deputies, who receive a salary by virtue of this act, upon a sworn itemized statement of said expenses, any money actually expended by them in pursuance of their official duties; also fifteen cents per meal for meals actually eaten by the prisoners while in custody of said sheriff, and such payment shall be in full for all services rendered said prisoners; also to provide for all printing, stationery, postage, purchasing of books, records and other papers necessary for the public service.

Expenses of sheriff, etc.

Printing, etc.

SEC. 6. If any of the aforesaid officers or their deputies shall fail to comply with the provisions of this act, they shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment at the discretion of the court.

Misdemeanor, what deemed.

Punishment.

Approved May 1, 1905.

[No. 506.]

AN ACT to enable the board of water commissioners of the city of Detroit to lay a line of pipe from the terminus of the water pipes of said board at the northerly limits of the village of Highland Park, a distance of ten thousand feet, more or less, to the land to be occupied for State Fair grounds.

The People of the State of Michigan enact:

Commission-
ers to extend
pipes, etc.

Cost, by
whom paid.

Proviso, as to
water rates.

SECTION 1. The board of water commissioners of the city of Detroit is hereby empowered to extend its distributing pipes, aqueducts and mains without the city limits of the city of Detroit from the present terminus of the pipes of the said corporation at the northerly line of the village of Highland Park, a distance of ten thousand feet, more or less, to the land to be occupied by the State Fair. The entire cost of laying such distributing pipes, including the cost of superintendence and engineering, shall be paid by said board; and all such distributing pipes shall be the property of said board and form a part of its system of distributing pipes; and further provided that the rates at which water shall be sold to persons using said pipes shall be discretionary with the said board of water commissioners, but shall not be a less amount nor more than double the amount charged to the citizens of Detroit.

This act is ordered to take immediate effect.

Approved May 1, 1905.

[No. 507.]

AN ACT to empower the city of Detroit to borrow money for the purpose of constructing a subway on the line of the boulevard extended south of Visgar street across the right of way and under the tracks of the Wabash, St. Louis and Pacific and Lake Shore and Michigan Southern railways, the Grand Trunk Railway of Canada, and the Bay City division of the Michigan Central Railroad Company.

The People of the State of Michigan enact:

Borrow money
for subway.

SECTION 1. That, for the purpose of constructing a subway on the line of the boulevard extended south of Visgar street across the right of way and under the tracks of the Wabash, St. Louis and Pacific and Lake Shore and Michigan Southern Railways, the Grand Trunk Railway of Canada,

and the Bay City division of the Michigan Central Railroad Company, together with the necessary approaches thereto and the payment of any damages which may be awarded to any person or persons having an interest in any lands abutting upon said boulevard by reason of said improvement, the common council of the city of Detroit, with the approval of the board of estimates thereof, shall have power to borrow upon the best terms it can make, and for such time as it shall deem expedient, not exceeding thirty years, a sum of money not exceeding one hundred fifty thousand dollars, upon the credit of the city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated, "Boulevard improvement bonds of the city of Detroit," and shall bear interest at a rate not exceeding four per cent per annum. The controller shall keep an accurate register of all said bonds issued, showing the number, date, and amount of each bond, and to whom the same was issued. And the money raised by such bonds shall be expended solely for the purpose of the aforesaid improvement of said boulevard.

Sum not to exceed.

Bonds, controller to keep record.

This act is ordered to take immediate effect.

Approved May 1, 1905.

[No. 508.]

AN ACT to repeal act number three hundred fifty-one of the local acts of eighteen hundred ninety-nine, entitled "An act to provide for making the president of the village of Ontonagon, in the county of Ontonagon, a member ex officio of the board of supervisors of said county," approved March twenty-nine, A. D. eighteen hundred ninety-nine.

The People of the State of Michigan enact:

SECTION 1. Act number three hundred fifty-one of the local acts of eighteen hundred ninety-nine, entitled "An act to provide for making the president of the village of Ontonagon, in the county of Ontonagon, a member ex officio of the board of supervisors of said county," approved March twenty-nine, A. D. eighteen hundred ninety-nine, is hereby repealed.

Act repealed.

This act is ordered to take immediate effect.

Approved May 1, 1905.

[No. 509.]

AN ACT to detach all that portion of sections thirty-three and thirty-four, in township twelve north, of range three west, situated and being outside of the city limits of the city of Alma, in the county of Gratiot, said territory being formerly a part of the township of Pine River in said county, and attach the same again to the township of Pine River in said county.

The People of the State of Michigan enact:

Boundaries,
description of.

SECTION 1. All that portion or part of sections thirty-three and thirty-four, in township twelve north, of range three west, situated and being outside of the city limits of the city of Alma, in the county of Gratiot, is hereby detached from the township of Arcada, in said county, and hereby attached and made a part of the township of Pine River, in said county, and in all respects hereby made subject to the jurisdiction of the said township of Pine River, except as provided in section two of this act.

Bridge, no as-
sessment for.

SEC. 2. The said territory, so detached from the township of Arcada and attached to the township of Pine River as provided in section one of this act, shall not be taxed or assessed in any manner for the bridge built and constructed on the section line between sections thirty-four and thirty-five in township twelve north, of range three west, in said county.

This act is ordered to take immediate effect.

Approved May 1, 1905.

[No. 510.]

AN ACT to authorize corporations organized under the laws of this State for the purpose of producing and supplying electricity for lighting, power or other purposes, to use the highways, streets and other public places within the counties of Emmet and Cheboygan, in this State, for the purposes of their incorporation.

The People of the State of Michigan enact:

Allowing cor-
porations to
use streets.

SECTION 1. All corporations organized under the laws of this State for the purpose of producing and supplying electricity for lighting, power or other purposes, in the counties of Emmet and Cheboygan, shall have power to construct and maintain lines of wire or other materials for use in the trans-

mission of electricity along, over, across or under any public places, streets and highways, and across or under any of the waters in the said counties of Emmet and Cheboygan, in this State, with all the necessary erections and fixtures therefor: Provided, That the same shall not injuriously interfere with other public uses of said places, streets, highways and navigable waters: And provided further, That nothing herein contained shall be construed to take from the cities and villages of Cheboygan county the rights they now have over their streets as given them by their respective charters or other laws. Proviso.
Further
proviso.

This act is ordered to take immediate effect.

Approved May 1, 1905.

[No. 511.]

AN ACT to make the office of sheriff of Muskegon county a salaried office, to fix the salary and to provide for determining the number of deputy sheriffs and fixing their compensation and to regulate the management of the sheriff's office.

The People of the State of Michigan enact:

SECTION 1. After the expiration of the term of office of the present sheriff of the county of Muskegon, the sheriff of said county shall receive as compensation for his services an annual salary of not less than two thousand dollars, and not more than three thousand dollars, as the board of supervisors may direct, to be paid monthly by the county treasurer in the same manner as other county officers are paid. Sheriff compensation of.

SEC. 2. The said salary, as fixed by the board of supervisors, shall constitute the whole compensation which shall be allowed to or received by said sheriff for all the official services which may be performed by him as sheriff, as required or authorized by existing laws, or by laws which may hereafter be enacted by virtue of his office as sheriff, and no compensation, payment or allowance shall be made to him for his services as sheriff except the salary aforesaid. Salary.

SEC. 3. All the fees, emoluments and perquisites which such sheriff shall charge or receive, or which he shall legally be authorized, required or entitled to charge or receive by law in civil or criminal proceedings and paid by litigants or individuals as and for his compensation for services rendered them, and his expenses and liabilities thereunder, and all the fees, emoluments and perquisites which he shall charge or receive, or which he shall legally be authorized, required or entitled to charge or receive for conveying prisoners to State All fees to belong to county.

institutions, and for all other services for the United States of America or for the State of Michigan, for which fees are paid, including the monies he may receive for the board, custody or care of United States prisoners, and for monies he may receive for the care and custody of prisoners committed to the county jail, for the cities and villages of Muskegon county and which may be a proper charge against said cities and villages, shall belong to the county of Muskegon, and it shall be the duty of said sheriff to exact, collect and receive for said county the full amount allowed by law of all such monies, fees, emoluments and perquisites.

Sheriff to collect.

Deputy sheriffs, salary of.

SEC. 4. The deputy sheriffs of Muskegon county shall receive an annual salary of not more than nine hundred dollars, payable monthly, which shall be in lieu of all salaries, per diem, fees, mileage, percentages, perquisites, emoluments and compensation now allowed by law or hereafter attaching to said office.

Sheriff to appoint deputies, etc.

SEC. 5. The sheriff of Muskegon county shall appoint all deputy sheriffs for said county, one of whom shall be a competent accountant, but the board of supervisors of the county of Muskegon, or other lawful authority, shall prescribe the number of deputy sheriffs for said county and shall fix their compensation: Provided, That no deputy sheriff shall receive a salary of more than nine hundred dollars per annum, and the salaries so determined shall be paid monthly, and all salaries so determined and paid shall be in lieu of all fees, mileage, perquisites, emoluments and compensation of whatever nature. All salaries of the deputy sheriffs shall be fixed from term to term on or before October thirty-one, preceding the commencement of the term of office of the sheriff, and no salaries shall be increased or diminished during the term for which they have been fixed by the said board of supervisors, or other lawful authority. The number of deputy sheriffs prescribed shall be sufficient, with the sheriff, to perform all the duties devolving upon the sheriff's office by law.

Proviso

In emergency, additional deputies, etc.

SEC. 6. In times of emergency the sheriff, upon the order of the circuit court for the county of Muskegon, made upon the petition of the sheriff or prosecuting attorney of said county, showing the necessity therefor, may appoint for such day or days as may be required, one or more additional deputies,

Compensation.

who, for services actually rendered, shall receive the sum of two dollars per day and actual expenses, and no other compensation whatsoever. Upon completion of his service each deputy so appointed shall make and file with the county treasurer a full and detailed report, including his actual expense account, duly verified, or service rendered and official acts performed during the period of service, of all monies received in fees, mileage, perquisites and emolument on account of said appointment, and at the same time shall pay over to the county treasurer all monies so received which shall thereupon become the money of Muskegon county. The

Duties of.

sheriff may also appoint deputy sheriffs to protect private interests, who shall receive no compensation from Muskegon county for services on account of such appointment. Said deputies so appointed may be required by the board of supervisors to file a detailed statement with the county clerk of all their official acts.

SEC. 7. The sheriff shall keep in his office in a proper book or books, to be provided for that purpose, an exact and true account of all official services performed by him as sheriff, and of all fees, monies, perquisites and emoluments received or chargeable by him therefor pursuant to law. Such book or books shall be a complete record and shall show when and for whom every such service shall have been performed, its nature and the fees chargeable therefor, and at all times during office hours shall be open to the inspection of any person.

Sheriff to keep record.

Open to inspection.

SEC. 8. The sheriff shall transmit to the treasurer of the county, on or before the tenth day of each month, a statement of all monies received by him for fees, perquisites and emoluments for all the services named in section three, rendered by him in his official capacity as aforesaid, for the preceding month. He shall make affidavit that such statement is full and true to his best knowledge and belief, and at the same time he shall pay over to the treasurer of the county of Muskegon, for the benefit of said county, the whole amount of monies so received by him, which monies shall belong to the county of Muskegon.

Statement to treasurer.

Affidavit, etc.

SEC. 9. All writs, subpoenas, warrants, summonses, commitments and other papers, the service of which would be a proper charge against the county of Muskegon, shall be served by the sheriff, or any deputy the sheriff may direct, without charge.

Writs, etc., by whom served.

SEC. 10. On or before the tenth day of each month the sheriff, under sheriff and each deputy shall make and file with the county clerk of Muskegon county a full and detailed account, verified under oath, of his actual and necessary expenses during the preceding month while in the performance of his official duty; and said expense accounts shall be claims against the county which, after being audited by the board of supervisors, or other lawful authority, shall be paid by the county of Muskegon.

Statement of expenses.

How paid.

SEC. 11. The jail of the county shall be kept by the sheriff as now required by law.

Jail.

SEC. 12. At the October session of the board of supervisors of the year nineteen hundred six and every two years thereafter, the compensation to be paid the sheriff for the board of prisoners shall be fixed by resolution, and all such bills for board shall be audited and paid by the board of supervisors in the same manner as other claims against said county.

Board of prisoners, compensation for.

SEC. 13. On or before the fifth day of January of each year the sheriff shall make and file with the county clerk a

Report, what to show.

full and detailed report, on oath, of all his official acts, and the official acts of the under sheriff and the deputy sheriffs; and said report shall show the actual receipts in fees, perquisites and emoluments by the sheriff, under sheriff and deputy sheriffs, and the expense in detail of every nature whatsoever incurred by said sheriff, under sheriff and deputy sheriffs in the performance of their official duties, and for which expenses claims have become a charge against Muskegon county. Said report shall show the amount of fees, perquisites and emoluments paid to the treasurer of Muskegon county. Said report shall be for the fiscal year ending December thirty-one. And said annual report shall appear in the printed proceedings of the board of supervisors.

File bond, etc. SEC. 14. Every such sheriff before entering upon the duties of his office shall execute to the county of Muskegon and file with the county treasurer of said county a bond, in addition to any other required by law, in the sum of five thousand dollars, with sufficient sureties to be approved by the circuit judge of Muskegon county, to the effect that he will faithfully perform the duties devolving upon him and pay over to said treasurer as herein provided all monies which come into his hands as herein provided.

Misdemeanor, what deemed. SEC. 15. Any officer referred to in this act who shall secure to his own use, or for the use of another, any fee, perquisite or emolument contrary to the provisions of this act, or shall neglect to account for any such fee, perquisite or emolument by this act declared to belong to the county of Muskegon shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than six months or both, in the discretion of the court, and shall be liable to said county in a civil action for all monies so received, or received for the use of the county and not accounted for and paid over to the treasurer pursuant to the requirements of this act.

Conviction. penalty for.

Acts repealed. SEC. 16. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved May 1, 1905.

[No. 512.]

AN ACT to create a new voting precinct in the township of Stambaugh in the county of Iron, to be denominated and known as election precinct numbered three of said township.

The People of the State of Michigan enact:

SECTION 1. Sections fifteen, sixteen, seventeen, twenty, twenty-one, twenty-two and twenty-nine in town forty-two north, of range thirty-four west, now embraced in the organized township of Stambaugh, Iron county, Michigan, shall constitute a new voting precinct therein and be denominated and known as election precinct numbered three of said township of Stambaugh. Voting precinct.

SEC. 2. Ten days' notice of the creation of said election precinct numbered three shall be given by the township board of said township by posting written or printed notices of same in three public places within said described precinct previous to the holding of the first election therein. Election, notice of.

SEC. 3. There shall be a new registration of all qualified electors residing within the territory of said precinct numbered three previous to the first election held therein. The township board of said township may act as said board of registration or the supervisor thereof may appoint a board of registration of the qualified electors residing within said precinct to register the names of all qualified electors residing within the territory of said precinct numbered three. The township board of the township of Stambaugh shall provide at the expense of said township a suitable register for said registration, in which shall be registered the names of all qualified electors residing in said precinct, who shall present themselves for registration in the manner provided by law. All qualified electors residing in said election precinct numbered three, as herein defined, shall cast their ballots at such place within said precinct as the township board of said township shall designate as the polling place of said precinct numbered three. Registration

SEC. 5. The township board of said township shall furnish all books, polling lists and other things necessary to conduct the registration and elections in said precinct numbered three as is required by law. Electors

This act is ordered to take immediate effect.

Approved May 1, 1905.

[No. 513.]

AN ACT to amend sections one hundred seventy-five and two hundred fifty-eight of act three hundred seventy-nine of the local acts of Michigan for the year eighteen hundred ninety-five, entitled "An act to incorporate the city of Charlotte and to repeal act two hundred fifty of the session laws of Michigan for the year eighteen hundred seventy-one, entitled 'An act to incorporate the city of Charlotte,' approved March twenty-nine, eighteen hundred seventy-one, and all amendments thereof."

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Sections one hundred seventy-five and two hundred fifty-eight of act three hundred seventy-nine of the local acts of Michigan for the year eighteen hundred ninety-five, entitled "An act to incorporate the city of Charlotte and to repeal act two hundred fifty of the session laws of Michigan for the year eighteen hundred seventy-one, entitled 'An act to incorporate the city of Charlotte,' approved March twenty-nine, eighteen hundred seventy-one, and all amendments thereof," are hereby amended so as to read as follows:

Council, pow-
ers of, etc.

SEC. 175. The common council may regulate the use of the public highways, streets, avenues, parks and alleys of the city, subject to the right of travel and passage therein, and may grant the right to any gas, telegraph, or electric light company, either to lay gas pipes or conduits, in the said streets, highways, avenues, parks and alleys, or to erect and maintain electric light poles or towers, telegraph poles, or gas lamp posts therein, during the pleasure of the council, or to cause any electric light pole, telegraph pole, or gas lamp post to be removed from the streets, highways, avenues, parks or alleys of the city, whenever the council shall deem it necessary for any, each or all of such electric light poles, telegraph poles or gas lamp posts, to be removed therefrom, and a resolution adopted by a majority of the aldermen elect at any meeting of the council shall be deemed sufficient authority to authorize the marshal or street commissioner to remove the said telegraph poles, electric light poles, or gas lamp posts, from the streets, highways, avenues, parks or alleys. The council shall also have the power to grant a franchise for the use of the streets, highways, avenues and alleys of the city, subject to the rights of travel and passage therein, to any person, street railway or railroad company, to lay and operate his or its road for a period not exceeding thirty years, and subject to such conditions and restrictions as said common council shall by ordinance require.

To grant
franchise.

To borrow
money.

SEC. 258. The common council shall have power to borrow money for the necessary expenses and public improvements of the city, and to provide for the making necessary

repairs and expenditures the necessity for which is caused by casualty or accident, happening after the annual estimates for the year are made: *Provided*, That the common council shall not have authority to borrow more than five thousand dollars in any one year, and the amount of the indebtedness existing at any one time under this power, principal and interest shall not exceed the sum of six thousand dollars, unless the question of raising a greater sum shall have been first submitted to the qualified electors of the city at its annual election, or at a special election called by the council for that purpose, and a majority of the qualified electors thereof voting at such election shall vote by ballot for the same. The city may contract a bonded indebtedness of not to exceed forty-five thousand dollars for water works; thirty thousand dollars for a lighting system; thirty thousand dollars for sewer purposes; seventy-five thousand dollars for street paving purposes and thirty thousand dollars for all other purposes. *Bonded indebtedness not to exceed.*

This act is ordered to take immediate effect.

Approved May 1, 1905.

[No. 514.]

AN ACT to provide for the collection of taxes and accounting therefor, and for the payment of a salary to the township treasurer of the township of Calumet, county of Houghton, State of Michigan.

The People of the State of Michigan enact:

SECTION 1. The treasurer of the township of Calumet, county of Houghton, State of Michigan, shall hereafter collect the collection fees provided for in section three thousand eight hundred sixty-seven of the compiled laws of Michigan of eighteen hundred ninety-seven. He shall keep an exact account of the fees so collected, which he shall credit to the general fund of the said township of Calumet. *Treasurer to collect fees.*

SEC. 2. The treasurer of the said township of Calumet shall receive, as full compensation for his service, the sum of one thousand eight hundred dollars, to be paid in manner following: The sum of fifty dollars per month for each and every month during the term for which he was elected and the sum of one thousand two hundred dollars, when he shall have properly accounted for all moneys that shall have come to his possession as said treasurer. The salary of said treasurer shall be paid on the warrant of the township clerk, countersigned by the supervisor. *Salary.* *How paid.*

This act is ordered to take effect on the first Monday in April, nineteen hundred six.

Approved May 1, 1905.

[No. 515.]

AN ACT to authorize the city of Corunna in the county of Shiawassee and State of Michigan to borrow money and issue bonds therefor, for the purpose of paying the legal floating indebtedness now outstanding against said city.

The People of the State of Michigan enact:

Borrow
money, au-
thority for.

SECTION 1. The common council of the city of Corunna shall be and are hereby authorized and empowered to borrow money on the faith and credit of said city and issue bonds therefor, to an amount not exceeding ten thousand dollars, which money shall be expended in paying the legal floating indebtedness now outstanding against said city.

Bonds,
amount of,
etc.

SEC. 2. The amount of each bond, place of payment of principal and interest, time and condition of payment and time of maturity, is left to the discretion of the common council of said city: Provided, however, That such bonds shall not be sold for less than their par value, nor shall the rate of interest exceed six per cent per annum and the time of maturity shall not extend beyond thirty years.

Proviso.

Bonds by
whom signed,
etc.

SEC. 3. Such bonds when issued shall be signed by the mayor of said city and countersigned by the clerk of said city, and negotiated by and under the direction of the city council, and the money arising therefrom shall, under the direction of the city council, be applied for the purpose for which said money was raised, and for no other purpose; and said city council shall have the power, and it shall be their duty, to raise by tax upon the taxable property of said city such sum or sums as shall be sufficient to pay said bonds and the interest thereon, when the same shall become due.

Council,
powers of.

This act is ordered to take immediate effect.

Approved May 1, 1905.

[No. 516.]

AN ACT to organize certain territory within the township of South Arm, Charlevoix county, into a graded school district to be known and described as school district number four of the township of South Arm, with power to elect its officers; to collect all taxes and indebtedness now due or hereafter to become due to school districts number four, five and six within the said township of South Arm, or any of them; to assume and pay all indebtedness now due or hereafter to become due and owing by the aforesaid school districts, and to perform all contracts to which said school districts or any of them may be a party; and to disorganize the territory now known and described as school districts number four, five and six of the township of South Arm.

The People of the State of Michigan enact:

SECTION 1. School districts number four, five and six of the township of South Arm are hereby disorganized. Districts disorganized.

SEC. 2. The territory heretofore comprising the aforesaid school districts numbered four, five and six shall constitute a new graded school district to be known and described as school district number four of the township of South Arm, Charlevoix county; and the territory comprising the last mentioned school district number four is hereby more particularly described as follows: All that part of the south half of section ten, on the east side of the south arm of Pine lake, and all of the south half of section eleven, excepting the northeast quarter of the southeast quarter of said section, and all of section fourteen, and the south half of section thirteen, and all of sections twenty-three, twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, and the east half of section thirty-four, and the southeast quarter and the north half of section twenty-seven all of section twenty-two, and the east half of section twenty-one, and the south half and the northeast quarter of the southeast quarter of section sixteen. School districts territory comprising.

SEC. 3. Said school district number four shall be governed by and subject to the general school laws of this State, except as herein otherwise provided. The annual meeting of said school district number four shall be held on the second Monday of July of each year, as is provided in the general school laws, and said school district shall have all the powers and privileges of graded school districts organized in accordance with the provisions of law. District, how governed. Annual meeting.

SEC. 4. On the second Monday in May, in the year nineteen hundred five, the qualified electors of said school district number four shall hold a school meeting and elect a board of education of five trustees. One trustee elected at this meeting shall serve until the second Monday of July, Board of education, when elected. Term of office.

Proviso

Board to
organize.

Contracts,
validity of.

District to
collect debts,
etc.

nineteen hundred six, when his successor shall be elected for a term of three years from and after that date; two trustees shall be elected to serve until the second Monday of July, nineteen hundred seven; two trustees shall be elected to serve until the second Monday of July, nineteen hundred eight, and in all cases trustees shall serve until their successors are elected and qualified: Provided, That in said meeting held on the second Monday of May, nineteen hundred five, the voters shall designate on the ballot the term for which the officer is elected. The board of education elected on said second Monday of May, nineteen hundred five, shall immediately thereafter proceed to organize by electing from their own number a president, a secretary and a treasurer who shall perform all duties required of such officers by the general school laws.

SEC. 5. All contracts existing between the aforesaid school districts numbered four, five and six of said township of South Arm, or any of them, and any person or corporation shall be deemed valid and binding upon the school district hereby organized and numbered four of the township of South Arm.

SEC. 6. Said school district number four shall collect all debts and obligations now due, or hereafter to become due, the aforesaid school districts numbered four, five and six and shall assume and pay all indebtedness now due or hereafter to become due and owing by said school districts or any of them; and all property now belonging to the aforesaid school districts numbered four, five and six shall hereby become the property of said school district number four.

This act is ordered to take immediate effect.

Approved May 1, 1905.

[No. 517.]

AN ACT to authorize the township board of the township of Hematite, in the county of Iron, to establish, equip and maintain a fire department in said township, to provide a water supply for said department and the inhabitants of said township; to borrow money for the purpose of establishing and equipping said fire department and to issue the negotiable bonds of said township therefor, and to appropriate certain moneys to maintain said fire department and water supply.

The People of the State of Michigan enact:

Fire depart-
ment, au-
thority for.

SECTION 1. The township board of the township of Hematite in the county of Iron, is hereby authorized to establish,

maintain and equip a fire department in said township, and to that end, to purchase and provide suitable apparatus for the extinguishment of fires; to provide and erect all necessary buildings; to organize and maintain fire companies; to appoint and employ firemen, and to establish rules and regulations for the government of said department and for the care and management of all property pertaining thereto.

Provide
buildings, etc.

SEC. 2. Said board may provide a convenient water supply for said department, and for that purpose may construct and maintain wells, cisterns, reservoirs and water works, and lay and maintain water pipe in the streets, alleys, public grounds, and other suitable places in said township. And to do all things necessary to erect, establish, equip and maintain the same.

Board,
powers of.

SEC. 3. Said board may, in such manner and under such rules and regulations as it may adopt, permit the inhabitants of said township to take water for domestic purposes from the water supply that may be provided for said township under the provisions of this act.

Water for
domestic
purposes.

SEC. 4. For the purpose of constructing such buildings, cisterns, reservoirs and water works; purchasing and laying water pipe, and providing apparatus and water supply, as aforesaid, said board may borrow not to exceed the sum of ten thousand dollars for and on behalf of said township, and issue the negotiable bond or bonds of said township therefor. Such bonds to be in such denominations, and payable at such time or times, not more than ten years from the date of issue, and bear such interest, not exceeding six per cent per annum as said board may, by resolution, fix and determine.

May borrow
money.

Issue bonds,
etc

SEC. 5. Said bonds shall be paid by tax on the taxable property of said township, to be called "fire tax." Said tax shall be voted or ordered by said board, and levied, in such installments or otherwise, as said board may, from time to time, determine, and shall be levied and collected at the same time or times and in the same manner as other general taxes.

"Fire tax."

SEC. 6. To maintain said fire department and the property pertaining thereto in the manner authorized by this act, said board may, from time to time, appropriate such moneys as it may deem necessary from the contingent fund of said township, or raise said money by tax on the taxable property of said township, at the same time and in the same manner as other taxes are raised: Provided, That no greater sum than one thousand dollars shall be raised by tax in any one year for the maintenance of said water supply.

How main-
tained.

Proviso.

This act is ordered to take immediate effect.

Approved May 3, 1905.

[No. 518.]

AN ACT to authorize the board of supervisors of the county of Houghton in this State, to borrow money upon the bonds of said county, for the purpose of repairing and reconstructing the draw span of the Portage Lake bridge, and for doing any other work made necessary by such repairing and reconstructing.

The People of the State of Michigan enact:

Borrow
money, to
reconstruct
bridge.

SECTION 1. The board of supervisors of the county of Houghton in this State are hereby authorized and empowered to borrow, on the faith and credit of said county, and to execute the coupon bonds therefor in such form as such board shall determine, the sum of not more than one hundred thousand dollars, and to make the same payable in such sums and at such times, as to the said board of supervisors shall appear to be for the best interests of the county. Said bonds shall bear interest at not to exceed six per cent. per annum, and in no case shall said bonds be sold at less than par. Said bonds shall be signed on behalf of said county, by the chairman and clerk of the board of supervisors for said county of Houghton.

Bonds, etc.

How money to
be expended.

SEC. 2. Any money borrowed under the provisions of this act shall be expended in the repairing and reconstruction of the draw span of the Portage Lake bridge, and for doing any other work made necessary by such repairing and reconstruction of said bridge, and the payment of the necessary expense incident to the issue of said bonds and for no other purpose whatever.

Majority vote.

SEC. 3. No bonds shall be issued under the provisions of this act until a majority of the supervisors elect, shall by vote so determine.

Supervisors,
powers of.

SEC. 4. The said board of supervisors are hereby authorized and empowered to repair and reconstruct the draw span of said bridge and to do any other work made necessary by such repairing and reconstructing, with the proceeds of said loan, and to maintain the same, at the expense of the county, and for the use of the public.

This act is ordered to take immediate effect.

Approved May 3, 1905.

[No. 519.]

AN ACT to authorize the village of Iron River, in the county of Iron, and State of Michigan, to borrow money and issue bonds therefor, the proceeds of which are to be used to acquire by purchase, or to construct, operate and maintain independently or in connection with the water works of the said village, either within or without the said village, a power and heating plant and works for the purpose of supplying said village and the inhabitants thereof and other persons, or any of them, with power and heat and electric or other lights.

The People of the State of Michigan enact:

SECTION 1. The common council of the village of Iron River in the county of Iron, is hereby authorized and empowered to borrow money on the faith and credit of said village, and to issue bonds therefor to an amount not exceeding fifty thousand dollars, to be used for the purpose of acquiring by purchase, or to construct, operate and maintain either independently or in connection with the water works of said village, either within or without said village, a power and heating plant and works for the purpose of supplying said village and the inhabitants thereof and other persons that may desire it or any of them, with power and heat and electric or other lights, under such rules and regulations as said common council shall prescribe: Provided, That a majority of the qualified electors of said village, who are present and voting on such proposition at any annual election or at a special election called for that purpose, shall vote in favor of the said loan.

SEC. 2. Before any loan provided for in this act shall be voted upon at any such election, a public notice shall be given by order of the common council, signed by the clerk of said village, by publishing the same in a newspaper in said village once in each week for at least two weeks before said election, and by posting a copy of such notice in at least three public places in said village not less than two weeks before said election, and said notice shall state that the electors of said village will be called upon to vote upon such loan. The said common council is hereby authorized and empowered to call a special election at any time in its discretion for the above named purpose and in the manner aforesaid, or to submit said proposition at any annual election in said village.

SEC. 3. The vote upon said proposition under the provisions of this act shall be by ballot, and the said common council shall cause to be prepared ballots for the use of said electors desiring to vote upon said proposition, which shall be substantially in the following form: At the top of each ballot

shall be printed the words: "Vote on proposition to borrow money," under which heading shall be placed a square followed by the words "For the loan," and under which shall be placed another square followed by the words "Against the loan." Electors using said ballots shall mark the same with a cross in the appropriate square, and said ballots shall be deposited in a separate box to be labeled "Village loan." The other proceedings had with respect thereto shall be held under the provisions of the election laws of this State applicable to said village, and the votes cast upon said proposition shall be counted and canvassed as other votes at village elections.

Votes can-
vassed.

Bonds issued.

SEC. 4. If such loan shall be authorized by a majority of such electors voting upon said proposition at such election, coupon bonds may be issued in such sums, not exceeding in the aggregate the amount hereinbefore limited, payable at a time or times, with such rate of interest, not exceeding six per cent per annum, as the said common council shall direct. Said bonds shall be signed by the president, countersigned by the clerk of said village, sealed with the seal of said village and negotiated by or under the direction of said common council. The money arising therefrom shall be used for the purpose mentioned in section one of this act and for no other purpose. Said common council shall have power and it shall be its duty to raise by taxes upon the taxable property of said village such sum or sums of money from time to time as shall be sufficient to pay the amount of said bonds and the interest thereon as the same shall become due; or to provide a sinking fund for the payment of said bonds, which taxes so to be assessed may be in addition to all other taxes which said village is now authorized to raise.

Council, to
raise money
by tax.

This act is ordered to take immediate effect.

Approved May 3, 1905.

[No. 520.]

AN ACT to abolish the board of public works in the city of Marine City, and transfer the powers and duties of said board to the common council of said city.

The People of the State of Michigan enact:

Board
abolished.

SECTION 1. That in the city of Marine City the board of public works is hereby abolished.

Powers, to
whom given.

SEC. 2. That all the powers and duties given to or imposed upon said board by the charter of said city are hereby given to and imposed upon the common council of said city.

SEC. 3. All the property, papers, accounts, files, records and all other things belonging or appertaining to the said board or controlled by the said board shall be transferred and delivered to the said council to be used, employed and expended in the exercise and performance of the powers and duties imposed upon said council by the provisions of this act.

Property, papers, etc., transferred to council.

This act is ordered to take immediate effect.

Approved May 3, 1905.

[No. 521.]

AN ACT to prescribe the duties of certain officers of the county of Grand Traverse.

The People of the State of Michigan enact:

SECTION 1. In addition to the powers now vested by law in the board of supervisors, they shall have the power to contract with any safe and secure banking institution or institutions in said county, for a period of not to exceed four years, as a depository or depositories for the safe keeping of the public moneys belonging to or in the custody of the said county, and for the payment of interest at a rate not exceeding that established by law upon such moneys of the county or in its custody, deposited with such banking institution or institutions, to be drawn from on current account by said county through its proper officer or officers, which said interest shall belong to and be credited to the general fund of the said county. Every such contract with a banking institution shall contain an agreement upon the part of such banking institution permitting the board of supervisors of said county, whenever it shall deem that the interest of the county requires it, to terminate such contract and withdraw all the money deposited with such institution, and in such case the books required to be kept by such depository shall be delivered into the custody of the clerk of said county by such depository.

Supervisors, powers of.

Contract, what to contain.

SEC. 2. The board of supervisors of said county, by resolution or otherwise, may make such rules or regulations and prescribe such conditions relative to entering into any contract with any depository or depositories of all such money as aforesaid, the drawing upon such moneys, and the security to be given by such depository or depositories, as the said board of supervisors may deem reasonable and just and for the best interest and security of said county, not inconsistent with the provisions of this act.

Supervisors, to make rules, etc.

Depositories to keep record of moneys, etc.

Books provided by county.

Books open to inspection.

Depositories to make report monthly.

Supervisors to advertise for proposals.

Supervisors, have power to select depository.

Suitable bonds.

County treasurer to make deposits daily.

Duplicate vouchers.

Account books, etc.

SEC. 3. The depository or depositories so designated by the said board of supervisors shall keep an accurate account in a set of books of all moneys belonging to or in the custody of said county, deposited with such depositories, said books to be provided by the said county and to belong to and to constitute a part of the public records of said county, and to be by the outgoing depository or depositories delivered to the depository or depositories succeeding to the trust. The books required to be kept by such depository or depositories shall at all times during the business hours of the day be kept open and be subject to inspection by any member of the board of supervisors of said county, the county treasurer, the county clerk and prosecuting attorney. Such depository or depositories shall report in writing, monthly, to the county clerk of said county, the amount of moneys belonging to or in the custody of said county, then on deposit with such depository or depositories.

SEC. 4. The board of supervisors of said county shall within thirty days next preceding the termination of any existing contract, advertise in one of the newspapers published in the city of Traverse City in said county, for a period of at least two weeks after the first advertisement, for sealed proposals of banking institutions of said county for the highest rate of interest obtained from such banking institutions on daily balances of moneys belonging to said county or in its custody, and the lowest rate of interest to be paid by said county for such temporary loans as said county shall have power to make.

SEC. 5. The board of supervisors shall have the power to award the deposit of moneys belonging to the county or in its custody in such quantities as may be for the best interest of the county, to such safe and secure banking institutions of said county as shall offer the best terms to such advertisement and in accordance therewith, and shall require such depository or depositories to give suitable bonds in such penalty as the board of supervisors shall determine and with such sureties as the board of supervisors shall approve, before any transfer of any such moneys as aforesaid can be made to such depository or depositories.

SEC. 6. The county treasurer of said county shall make daily deposits in the county depository or depositories selected and designated by the board of supervisors of all moneys which shall come into his possession as such county treasurer, and shall take vouchers therefor in duplicate, filing one of said vouchers with the county clerk of said county and filing the other in the office of said county treasurer. Said county treasurer shall keep an account of all receipts and expenditures of said moneys in such manner as the board of supervisors shall direct, in proper books of account to be furnished by said county, which books of account shall be the property of said county, and constitute a part of the public records thereof.

SEC. 7. All moneys drawn from the county depository or depositories for any purpose shall be drawn by warrant, designating the depository, signed by the clerk and countersigned by the chairman of the board of supervisors. All warrants drawn on the county treasurer for any purpose shall be drawn in pursuance of an order of the board of supervisors, or the requirements of law, which warrant shall be signed by the clerk, and such warrant shall specify for what purpose the amount therein is paid, and out of which fund payable, and the clerk shall keep an accurate account, under appropriate heads, of all expenditures and of all orders and warrants drawn upon the county treasurer, in suitable books to be kept by him for that purpose, which books shall be furnished by and belong to and be a part of the public records of said county.

Moneys, how drawn, etc.

SEC. 8. It shall be the duty of the clerk of said county, on the first day of each and every month, to draw a warrant or check on the county depository for an amount equal to the aggregate sum of all claims and demands against said county, to be paid from the moneys belonging to or in the custody of said county during said month, according to the orders of the board of supervisors or the provisions of law, as near as the amount thereof can be ascertained by said clerk, which said warrant or check for said aggregate sum shall be signed by the clerk and be countersigned by the chairman of the board of supervisors, and payable to the order of the treasurer of said county. The county treasurer shall draw from the said depository the amount called for by such warrant or check and use the same to pay said claim and demands in the manner provided for in this act.

County clerk, duties of, etc.

SEC. 9. In case no agreement can be entered into for depositing moneys as aforesaid, or in case such agreement is terminated, or at any time when there shall be no such depository or depositories, the county treasurer shall receive into his hands all moneys belonging to said county, or in its custody, and which in accordance with the provisions of law shall come into his hands, and shall pay the same out upon warrants drawn upon him as provided by law.

County treasurer, duties of.

SEC. 10. At the time or times provided by law for the payment over to the county treasurer of the amount of State and county taxes, which shall have been collected by the several townships and city treasurers of said county, said township and city treasurers shall make settlement with the county clerk of said county, and shall pay over to the county treasurer of said county the amount of taxes which shall have been collected for State and county purposes upon an order from the county clerk directing such payment to be made, which order shall be receipted by the county treasurer at the time of the payment over to him of said taxes, and the township or city treasurer making such payment shall thereupon file the same with the county clerk. The receipt

City and township treasurers, duties of.

which the county treasurer is required by law to give to the township treasurers for moneys paid to him by such treasurers shall be countersigned by the county clerk of said county. The county clerk shall keep a record of such settlement and payments by such township and city treasurers in a book to be provided for that purpose, which book shall belong to and be a part of the public records of said county.

County clerk
to keep
record.

SEC. 11. The justices of the peace of the several townships and city and the judge of the recorder's court, in the city of Traverse City in said county, and all other officers authorized by law to collect fines or costs belonging to said county, shall on the last day of each and every month make a written report to the county clerk of said county, showing whether any such fines or costs have been collected by them during said month, and if any such fines or costs have been collected by them during said month, such report shall show the amount thereof and from whom collected. At the time of payment over to the county treasurer of the amount of such fines or costs so collected, as required by law, such justices of the peace and judge of the recorder's court, or other officers, making such payment shall furnish to the county clerk a written statement of the amount of such fines or costs so paid over. Upon such payment being made to the county treasurer, he shall issue a receipt therefor to the person making such payment, which receipt shall be countersigned by the clerk of said county.

Justices of
peace, etc.,
duties of.

County treas-
urer to issue
receipt.

SEC. 12. The books and accounts of the county treasurer and county clerk shall be open to the inspection of any elector of said county. The county treasurer and county clerk shall on the first day of January in each year make out a full and fair account of the receipts and expenditures of said county and of all moneys coming into the hands of the county treasurer by virtue of his office during the preceding year, and also the state of the treasury of said county, and such other matters as they may deem advisable and to the interest of the county. Said statements of account shall be filed in the office of the county clerk and shall be presented to the board of supervisors at their first meeting on or following the first day of January in such year, and said statements of account, if found to be correct, shall be audited and allowed by the said board of supervisors and shall be printed in the records of said board. Said county treasurer and county clerk shall from time to time make such other reports as the board of supervisors shall require.

County treas-
urer and clerk,
duties of.

Statement, by
whom audited.

SEC. 13. The board of supervisors is hereby authorized to require new or additional bonds or security from the county treasurer and from the depositories of all moneys belonging to the county or in the custody of the county and deposited in such depositories, at any time or times when it shall deem the interest of the county require it shall be done to protect the county against loss or risk and loss of any moneys de-

Supervisors to
require bonds.

posited; or to be deposited, with such county treasurer or county depository.

SEC. 14. Any officer who shall fail to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum not exceeding five hundred dollars or imprisonment in the county jail not exceeding six months, or both. Misdemeanor. Conviction of, penalty for.

SEC. 15. All acts and parts of acts contravening the provisions of this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved May 3, 1905.

[No. 522.]

AN ACT to grant to the common council of the city of Petoskey additional powers in regard to the assessment and collection of paving taxes.

The People of the State of Michigan enact:

SECTION 1. The common council of the city of Petoskey in the county of Emmet, a city incorporated under and governed by the provisions of act number two hundred fifteen of the local acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," is hereby granted, in addition to the powers and duties set forth in said act of incorporation, the further powers and duties relative to the assessment and collection of taxes to defray the expenses of paving the streets of said city, which are set forth in the following sections of this act. To grant additional powers. Paving expenses.

SEC. 2. It shall be the duty of the common council of the city of Petoskey to divide the said city into paving districts of convenient size and with due regard to the future needs of the city in relation to the paving of the streets thereof. Paving districts.

SEC. 3. Whenever the resident owners of two-thirds of the frontage in any paving district shall petition the common council, asking that the portion of the street comprising such paving district be paved, and shall specify in their said petition the number of annual installments into which they desire the cost of the improvement to be divided, (which shall not be less than five nor more than ten,) the common council shall, without delay, determine what the cost of the proposed improvement will be, and shall order a special assessment of the paving district to be made, which shall cover the expense to be incurred. Special paving assessment.

SEC. 4. The resolution of the common council, ordering the paving of a street or such portion of a street as comprises a paving district, shall set forth the estimated cost of Manner of payment, etc.

the improvement, the manner of payment therefor in annual installments, the number of such installments, not less than five nor more than ten, and that interest at a rate of not to exceed six per cent per annum on the unpaid amounts will be added to each such installment.

Bonds issued.

SEC. 5. As soon after the making of the order by the common council for the paving of any paving district as may seem requisite in order to secure the prompt completion of the work, the common council may order that the bonds of the city be issued for a loan for the amount necessary to pay the cost of the improvement; which bonds shall specify on their face the purpose of the loan and the name of the paving district for the benefit of which the loan is made and the bonds issued. The term for which said bonds may run shall be the same number of years as equal the number of installments into which the special assessment for the payment of the same has been divided.

What to specify, etc.

Special assessment.

SEC. 6. When the cost of paving in any paving district has been fairly determined, the common council shall order a special assessment for the defraying of the expense of such paving to be made; which said special assessment shall be considered by the council at a meeting thereof, and to which meeting each of the owners of property liable to assessment in such paving district shall be invited by a written or printed notice, which shall set forth the time, place and object of the meeting of the council, and request that each individual addressed be present thereat. On consideration by the council, said special assessment may be approved, amended or rejected. If it be rejected, a new special assessment for the same purpose shall be ordered made before a time stated, when the council will consider the same, with a view to securing justice to each individual, whose property is assessed on such special assessment roll.

Notice of meeting.

Rejection or approval.

Assessment roll, council to confirm, etc.

SEC. 7. When the special assessment roll for a paving district is made satisfactory to the common council, they shall confirm the same, and order that the several amounts thereon be divided into as many equal parts as the council shall have determined the number of annual installments by means of which the same shall be paid; and to each of said installments shall be added interest on the installments yet unpaid, at the same rate per annum as the bonds issued for the improvement have been made to bear.

Assessor to place on tax rolls.

SEC. 8. The common council shall, by resolution, direct that the assessor shall place on his tax rolls for each year during the pendency of the payment of the several installments on any special paving assessment against the property in a paving district, the amount which shall have been determined, and for which, in accordance with the terms of the preceding section, each piece of property described in such special assessment shall be held liable.

Assessments, how distributed.

SEC. 9. The assessor shall place the amounts of the first installment, under any special paving assessment, in the first

tax roll following the confirmation of the special assessment by the common council; and the whole of any special paving assessment, against any piece of property so assessed, shall become a lien on such piece of property from the date of placing the amount of the first installment on the tax roll.

SEC. 10. The city treasurer shall place the moneys received by him, in payment of the installments on any special assessment for paving, in a separate fund to be known by the name given on the face of the bonds issued at the beginning of the improvement, and said fund shall be used for the payment of said bonds and for no other purpose, and shall be paid out in retiring said bonds, as the council may direct.

Treasurer to have separate fund.

This act is ordered to take immediate effect.

Approved May 3, 1905.

[No. 523.]

AN ACT to authorize the electors of the village of Central Lake, Antrim county, to bond said village for the purposes of constructing a system of water works and an electric lighting plant for said village, and buying the necessary grounds and materials therefor.

The People of the State of Michigan enact:

SECTION 1. The duly qualified electors of the village of Central Lake, Antrim county, at any general or special election called for the purposes hereinafter named, are hereby authorized and empowered to bond said village in a sum not to exceed thirty thousand dollars.

Authority to bond.

SEC. 2. The purposes for which such bonds may be issued shall be to build and construct a system of water works and an electric lighting plant for said village, and to purchase the necessary grounds and materials therefor.

Bonds, for what issued.

SEC. 3. The proposition to bond shall be submitted to a vote of the electors of said village by a resolution of the common council of said village, distinctly stating the purposes of the expenditure for which said bonds are required, the amount proposed to be raised therefor, the length of time such bonds shall run, the number of, and denomination of each bond and the rate of interest such bonds shall draw; also naming the time when such vote will be taken. Such resolution shall be published at least twice in a newspaper published in said village, and copies of the resolution be posted in at least six of the most public places in said village at least two weeks before such vote is to be taken. Such vote shall be by ballot, and the contents of such ballot shall be prescribed by the resolution submitting the proposition to the electors.

To be voted upon.

Notice, publication of.

Two-thirds
vote required.

SEC. 4. Such village will not be empowered to bond itself in any sum excepting such proposition submitted [submitted] therefor shall be authorized by at least a two-thirds vote of the electors voting upon the question at any annual or special election as aforesaid.

This act is ordered to take immediate effect.

Approved May 3, 1905.

[No. 524.]

AN ACT to provide for the election of a county drain commissioner in the county of Lenawee.

The People of the State of Michigan enact:

When elected.

SECTION 1. At the regular biennial election to be held on the Tuesday succeeding the first Monday in November, nineteen hundred six, and each two years thereafter, there shall be chosen in the county of Lenawee, by the qualified electors thereof, on the same ticket as the other county officers, a county drain commissioner, whose term of office shall begin on the first day of January following his election and continue for two years. Before entering on the duties of his office, said duly elected drain commissioner shall take and file with the county clerk the constitutional oath of office, and shall also file a bond in the penal sum of five thousand dollars, conditioned on the faithful discharge of the duties of his office, which bond before filing shall have been approved by the board of supervisors. It shall be the duty of the county clerk to make report to the Secretary of State of the election and qualification of the county drain commissioner, as a part of his report of the election and qualification of the county officers of Lenawee county. In case of a vacancy in the office of county drain commissioner, caused either by resignation, removal from the county, or death, it shall be the duty of the judge of probate for said county of Lenawee to fill the vacancy by appointment under his hand and seal.

File bond.

County clerk
to report, etc.

In case of
vacancy, who
to appoint.

Approved May 3, 1905.

[No. 525.]

AN ACT to authorize the city of Mt. Clemens, in the county of Macomb, to borrow money to make public improvements and to refund portions of its present indebtedness, and to issue bonds therefor.

The People of the State of Michigan enact:

SECTION 1. The common council of the city of Mt. Clemens, in the county of Macomb, is hereby authorized and empowered to borrow money on the faith and credit of said city, and to issue bonds of said city therefor, drawing interest at a rate not to exceed five per cent per annum, to an amount not exceeding one hundred twenty thousand dollars, the proceeds of which said loans, if made, shall be expended in making such public improvements in said city and in payment of such portions of the present indebtedness of said city as said common council shall select and designate in its ordinance to be passed providing for the special election herein provided for: *Authority to borrow money and issue bonds.* Provided, That a majority of the qualified electors of said city, voting upon the question at an election to be held in said city for that purpose, shall vote in favor of such loan. *Proviso.*

SEC. 2. Said council shall, in said ordinance calling such election, specify exactly the several public improvements proposed to be made and paid for out of the proceeds of said loan, and the several amounts appropriated out of the proceeds of said loan for each such public improvement, and also the various debts of said city, now existing against said city, proposed to be paid out of the proceeds of such loan, and the amounts to be appropriated for that purpose therefrom. *Council to specify improvements.* The moneys arising from said loans, if the same shall be authorized by a majority of such electors, and be made, shall be appropriated, and used and expended only as in said ordinance provided and not otherwise. *Moneys, how used, etc.*

SEC. 3. Except as herein otherwise provided, such election shall be called and held, such loan, if authorized, made, and such bonds issued and provided for, in accordance with the provisions of the charter of said city, being "An act to provide for the incorporation of cities of the fourth class." *Election, etc.*

This act is ordered to take immediate effect.

Approved May 3, 1905.

[No. 526.]

AN ACT to authorize the township board of the township of Grosse Pointe, Wayne county, to build and construct, alter and repair bridges over Fox and Conner's [Connor's] creeks, so called, on Jefferson avenue in said township and to provide the necessary funds therefor.

The People of the State of Michigan enact:

Act author-
izing.

SECTION 1. The township board of the township of Grosse Pointe, Wayne county, is hereby authorized to build and construct, alter and repair bridges over Fox and Connor's creeks, so called, on Jefferson avenue, in said township.

To issue
bonds, etc.

SEC. 2. For the purpose of defraying the cost of the work herein authorized said township board may authorize at any regular or special meeting the issuing of the negotiable bonds of said township, with interest coupons attached, to an amount not exceeding twenty-five thousand dollars. Said bonds shall be signed by the supervisor and clerk of said township, and shall bear interest not to exceed the rate of five per cent per annum, and shall mature at a period not to exceed thirty years from the date thereof. Said bonds shall be sold under the direction of said board at not less than par, and the money received therefor shall be paid to the treasurer of said township and shall be kept by him as a special fund, and shall be used only for the purposes mentioned in this act.

By whom
signed.

Sale of.

Special fund.

Board, power
to make con-
tracts, etc.

SEC. 3. Said township board is hereby empowered to make contracts in behalf of said township for the furnishing of material and the performance of labor required to carry on and complete the work embraced within the terms of this act. Said contracts shall contain a provision that all work done thereunder shall be subject to the approval of the commissioner of highways of said township.

Interest
money, raised
by tax.

SEC. 4. Said township board shall raise each year by assessment on the taxable property in said township, to be assessed, levied and collected in the manner provided for the assessment, levy and collection of other taxes of said township, the total sum necessary to pay the interest on said bonds as it shall mature. Said board is authorized to raise in like manner such further sum as it may deem proper for the purpose of providing a sinking fund with which to pay said bonds at maturity.

Sinking fund.

Acts repealed.

SEC. 5. The general law relative to highways and townships, and all special acts relating to said township, and the general village law with reference to streets and highways, and all other existing laws wherever the same may conflict with the provisions of this act, are hereby suspended in their operations so far as the same are in conflict with the terms and provisions of this act.

SEC. 6. Provided, That a majority of the legal voters of Proviso. such townships voting on said proposition at a township meeting, a general election, or a special election called by the township board for that purpose, shall vote in favor thereof.

This act is ordered to take immediate effect.

Approved May 3, 1905.

[No. 527.]

AN ACT to provide for the nomination and election of a street commissioner in the village of Manchester, county of Washtenaw and State of Michigan, and to define his powers and fix his compensation.

The People of the State of Michigan enact:

SECTION 1. Hereafter in the village of Manchester, county Election of. of Washtenaw and State of Michigan, the officer known as street commissioner shall be nominated and elected as other elective village officers in said village.

SEC. 2. The duties of said street commissioner shall be Duties and compensation. prescribed by the common council of said village and his compensation shall be such as may be fixed and determined by the same.

Approved May 3, 1905.

[No. 528.]

AN ACT to amend section one of act number three hundred seventy-nine of the local acts of the State of Michigan for the year eighteen hundred ninety-one, entitled "An act to provide for the compensation and to prescribe the duties of certain officers of the county of Kent," approved June twenty-six, eighteen hundred ninety-one.

The People of the State of Michigan enact:

SECTION 1. Section one of act number three hundred seventy-nine of the local acts of the State of Michigan for the year eighteen hundred ninety-one, entitled "An act to provide for the compensation and to prescribe the duties of certain officers of the county of Kent," approved June twenty-six, eighteen hundred ninety-one, is hereby amended to read as follows: Section amended.

Officers,
salary of.

No other com-
pensation.

Moneys re-
ceived, to
whom belong.

SECTION 1. That the treasurer of the county of Kent shall receive a salary of twenty-five hundred dollars per annum; that the clerk of the county of Kent shall receive a salary of twenty-five hundred dollars per annum; that the register of deeds of the county of Kent shall receive a salary of twenty-five hundred dollars per annum. The officers named shall not directly or indirectly, through their deputies, or any other person in their respective offices, receive any compensation other than said salary for the performance and discharge of any duties growing out of their office, or for making certificates, drafting papers, administering oaths, as notary public or otherwise, or for performing any other service in any manner connected with the duties of their respective offices. All moneys received for any such services and all moneys received as interest upon any funds in the hands of the said officers by virtue of their offices shall belong to the county of Kent.

Approved May 4, 1905.

[No. 529.]

AN ACT to authorize the common council of the city of Grand Rapids to issue bonds to satisfy and pay any amount for which the said city shall be liable under Senate enrolled act number seventy-three of the acts passed by the legislature of Michigan of nineteen hundred five in regular session, entitled "An act to repeal act number two hundred twenty-three of the laws of eighteen hundred forty-nine, entitled 'An act to incorporate the Grand Rapids Hydraulic Company' approved April second, eighteen hundred forty-nine, and to provide for presentation and allowance of claims against the city of Grand Rapids for the value of the tangible property of said company at the time of the approval of this act," approved April twenty-fifth, nineteen hundred five.

The People of the State of Michigan enact:

Bond issue,
by council
majority vote.

SECTION 1. If a claim shall be presented to the city of Grand Rapids by the Grand Rapids Hydraulic Company, and the liability of the said city therefor be established as provided by Senate enrolled act number seventy-three of the acts passed by the legislature of Michigan of nineteen hundred five in regular session, entitled "An act to repeal act number two hundred twenty-three of the laws of eighteen hundred forty-nine, entitled 'An act to incorporate the Grand Rapids Hydraulic Company,' approved April second, eighteen hundred forty-nine, and to provide for presentation and allow-

ance of claims against the city of Grand Rapids for the value of the tangible property of said company at the time of the approval of this act," approved April twenty-fifth, nineteen hundred five, the common council of said city of Grand Rapids shall be and it is hereby authorized by a majority vote of all of the members elect thereof to issue the bonds of said city for the amount of such claim, for the period of twenty years and at a rate of interest not to exceed four per cent per annum, and sell said bonds and use the proceeds thereof to pay and satisfy said claim. The said bonds shall be executed in the same manner as bonds issued under the charter of the city of Grand Rapids for public purposes. How issued.

This act is ordered to take immediate effect.

Approved May 4, 1905.

[No. 530.]

AN ACT to authorize the township of North Plains in the county of Ionia to borrow money and issue its bonds therefor, for the building of two bridges across Fish Creek in that township.

The People of the State of Michigan enact:

SECTION 1. The township board of the township of North Plains, in the county of Ionia and State of Michigan, is hereby authorized and empowered to borrow on the faith and credit of said township, and to issue its bonds therefor to an amount not exceeding ten thousand dollars, which shall be expended for the building of two bridges across Fish Creek in said township; one in Hubbardston on a line known as Washington street; and one near Matherton on the angling road on the north half of the south east quarter of section twenty-four in said township, that being the old bridge site: Borrow money, issue bonds, etc. Provided, That a majority of the qualified electors of said township voting at a special election to be called in conformity with the requirements of this act shall vote in favor of such loan in the manner specified in this act. Amount not to exceed.

SEC. 2. The question of raising the money provided for in this act, and issuing the bonds of said township therefor shall be submitted to the qualified electors of said township at a special meeting called for that purpose. At such election the polls shall be open at nine o'clock in the forenoon and remain open until five o'clock in the afternoon, and the ballots used at such election shall be written or printed as follows: "For issuing bonds to borrow money for bridge purposes Yes. []" "For issuing bonds to borrow money for bridge purposes No. []" and said township board is hereby Proviso. Election, manner of, etc.

authorized to call said special election by giving due notice thereof, by causing the date, place of voting and object of said election to be stated in written or printed notices signed by the clerk of said township, to be posted in at least five conspicuous places in said township, at least six days before the time fixed for such election, which notices shall state the amount of money proposed to be raised by such bonding, and the purposes to which it shall be applied, and said election shall be conducted by the board of inspectors constituted by law to conduct general and special elections, and shall be conducted the same as general elections except as herein provided, and immediately upon the conclusion of a canvass of the votes by the inspectors they shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against it. Said inspectors shall endorse upon such certificate a declaration in writing of the result of such election, which certificate and declaration shall then be filed with the clerk of said township.

Notices of,
what to state.

Certificate,
showing
result.

Other elec-
tions, when
legal.

Bonds,
amount, when
payable, etc.

When
negotiated.

Board to raise
money by
taxation.

Bonds not
less than par.

SEC. 3. In case said proposition to issue the bonds of said township shall be defeated at any such election, the said township is hereby authorized to hold other elections under and by virtue of this act for the purpose above mentioned, whenever the township board shall so direct.

SEC. 4. If such issue of bonds shall be authorized by a vote of the electors of said township, such bonds may be issued in such sums not exceeding the amount hereby authorized, payable at such times and place, not exceeding five years from the date of such bonds, and with such rate of interest not exceeding five per cent per annum, as such township board shall direct by resolution. Said bonds shall be signed by the supervisor and clerk of said township, and shall be countersigned by the township treasurer, and shall be negotiated by the township treasurer by and under the direction of the township board, at any time when the money may be needed, and the moneys arising therefrom shall be used in paying for the construction of said bridges before mentioned.

SEC. 5. It shall be the duty of the said township board to provide for the raising by tax upon the taxable property of said township such sums of money annually as shall be sufficient to pay the amount of said bonds and interest thereon, as fast as the same become due.

SEC. 6. No bonds issued under and by virtue of this act shall be negotiated at less than their par value.

This act is ordered to take immediate effect.

Approved May 4, 1905.

[No. 531.]

AN ACT to authorize and empower the board of trustees of the public schools of Highland Park, Wayne county, Michigan, to borrow twelve thousand dollars for the purpose of building an additional school, remodeling the old school and to issue bonds therefor.

The People of the State of Michigan enact:

SECTION 1. The board of trustees of the public school of Highland Park, Wayne county, Michigan, is hereby authorized and empowered to borrow twelve thousand dollars for the purpose of building an additional school and remodeling the old school. This money may be expended for either or both of the purposes above mentioned as in the discretion of the board will best subserve the interests of the village school system. Borrow money, etc.

SEC. 2. To secure such loan said board of trustees may issue twelve bonds in the name of the public schools of Highland Park, and pledge credit of the public schools of Highland Park for the payment thereof; each of said bonds shall be for one thousand dollars, all to mature on the first day of July A. D. nineteen hundred fifteen; said bonds to draw interest at the rate of five per centum per annum, payable semi-annually from the date of issue. Bonds. Denomination.

SEC. 3. Before this act shall take effect there shall be submitted to the qualified electors of the village of Highland Park, at any general or special election, provided ten days' notice of the submission of the question be given, the question, "For the issue of school bonds, Yes." "For the issue of school bonds, No." If on such vote, on the question proposed, a majority of the voters vote "Yes," said bonds may be issued, otherwise not: Provided, That if said question be submitted during the year nineteen hundred five and fail of endorsement, the same question may again be submitted, in like manner, during the year nineteen hundred six; and if a majority of the voters voting thereon vote "Yes" at said election in nineteen hundred six said bonds may be issued, otherwise not. Election. Proviso.

This act is ordered to take immediate effect.

Approved May 4, 1905.

[No. 532.]

AN ACT to provide for the office of superintendent of drains for the county of Muskegon and to abolish the office of drain commissioner in said county, and to provide for the establishing, laying out and constructing of drains and cleaning out, opening and repairing the same in the county of Muskegon, and to repeal such portions of the present drain law as is in conflict with this act.

The People of the State of Michigan enact:

Drain commissioner abolished.

Supervisors to appoint superintendent, etc.

Term of office, salaries, etc.

Supervisors may appoint new superintendent.

When to take office.

Furnish bond.

County clerk to report to secretary of state.

Superintendent, duties of.

SECTION 1. The office of county drain commissioner in and for the county of Muskegon is hereby abolished, and the board of supervisors of the county of Muskegon may at any annual, special or adjourned meeting thereof, after this act takes effect, appoint one superintendent of drains for said county of Muskegon, and such assistant superintendent or superintendents as said board of supervisors may deem necessary; which superintendent and assistants shall hold office during the pleasure of said board of supervisors, and shall draw such salaries as the board of supervisors shall from time to time fix and determine, the same to be paid out of the contingent fund of said county of Muskegon, and shall receive no other remuneration, reward, fees or reimbursements for any services or expenses rendered or incurred by said superintendent or assistants.

SEC. 2. The said board of supervisors of the county of Muskegon may at any regular, adjourned or special meeting thereof appoint a new superintendent of drains or assistants, which act and appointment shall operate to immediately terminate the term of office of any superintendent of drains or assistants at that time holding such office or offices, and all such appointees of the said board of supervisors of the county of Muskegon shall enter upon the discharge of the duties of their office immediately upon qualifying therefor; which shall be done in no case later than six days after notice of said appointment; and such appointees shall furnish such bond or bonds, and in such amount as shall be required by resolution of said board of supervisors of said county, with two or more sufficient sureties, to be approved by the clerk of said board of supervisors, conditioned upon the faithful discharge of the duties of the office to which such person has been appointed, and it shall be the duty of the county clerk upon the appointment of any superintendent of drains or assistants to make report thereof to the Secretary of State, giving also the date such officer qualified and entered upon the discharge of his duties.

SEC. 3. Except as herein otherwise provided, it shall be the duty of said superintendent of drains to perform all such

duties as are now required to be performed by drain commissioners under the laws of this State, and such superintendent of drains shall have all the powers now conferred upon a drain commissioner not inconsistent with this act.

SEC. 4. Before the superintendent of drains for the county of Muskegon shall take any action towards locating or establishing any drain or cleaning out, opening or altering one already established and theretofore built and constructed, there shall be filed with him an application signed by not less than ten freeholders of the township or townships in which such drain or the lands to be drained thereby and to be assessed therefor may be situated, and five or more of said signers shall be owners of lands liable to an assessment for benefits in the construction, cleaning out or altering of such drain, giving a general description of the beginning, the route and the terminus thereof: Provided, That where there are only five or less property owners liable to assessments for benefits two or more of such owners of the land so liable shall be necessary upon such application.

Application for drain, etc.

Proviso.

SEC. 5. Such superintendent of drains shall set a day for the consideration of such application, which day shall be not more than ten days from the date of the filing of such application, and he shall within five days after the filing of such application give notice in writing to the supervisor and highway commissioner of the township or townships through which said drain runs or shall be constructed or of such townships as have lands to be assessed for benefits in connection therewith, of the time and place where such application will be heard and passed upon and the said superintendent of drains and such highway commissioner or commissioners and such supervisor or supervisors shall constitute a board to pass upon and determine the necessity for such improvement, and such highway commissioners and supervisors shall be paid by their respective townships such compensation as is now provided by law for such officers when attending board meetings of their townships.

Consideration of application, time of.

Notice to supervisor, etc.

Compensation.

SEC. 6. No expense shall be incurred for surveying or work of a surveyor or civil engineer, or in taking levels or fixing grades by a surveyor or civil engineer, unless said drain board shall by a two-thirds vote thereof determine that the same is necessary; nor shall the services of a surveyor or civil engineer be employed or any expense therefor incurred to determine whether said drain or improvement is properly completed unless by a similar vote of said board the same shall be determined to be absolutely necessary to settle differences between the superintendent of drains and the contractors for the work thereof.

Expense of surveying, provision for.

Two-thirds vote of board.

SEC. 7. Said board shall be known as a drain board for the drain upon which it acts, and the majority thereof shall constitute a quorum, and when in session the majority vote of said board shall determine the action of said board, except as hereinbefore provided.

Name of board.

Application
in writing.

Officers of
board.

Superintend-
ent, duties of.

Post notices,
etc.

Power to
change route.

Decision of
board to be
final.

Majority of
board to
sign record.
Superintend-
ent to adver-
tise for bids,
etc.

Notices, where
posted.

Personally
serve notices.

SEC. 8. When such drain board shall have determined upon the application hereinbefore provided for that the improvement therein petitioned for is a necessary public improvement the same shall be reduced to writing and signed by all members of such board voting therefor, in a book to be provided by the superintendent of drains, who shall be the secretary of said board, and the supervisor who is a member of said board shall be the chairman thereof, except when there are two or more supervisors members, then one of their number shall be elected chairman by said board by a vote of the members thereof.

SEC. 9. Within seven days after such determination the said superintendent of drains shall go over the route of said drain and shall fix and determine the same and shall temporarily stake out the course thereof and determine generally the depth and width at top and bottom thereof and make a memorandum of the same, and shall divide the same into sections, each of which as nearly as possible will average the same amount of work over its length, and number the same, and at the same time shall post at least two public notices in writing, that upon a certain day to be named in such notice, and within five days thereafter, the aforesaid drain board will go over the route of said drain, commencing at the lower end thereof, and at a certain hour, and that such interested persons as see fit may appear and accompany said board and may ask said board for such changes as they may see fit in the route or location of said drain at such places as such person is interested, and the said board shall have power to make such changes in the route or dimensions of said drain upon such application or upon its own motion as it sees fit, and its determination as to the route or dimensions of said drain shall be final, and a full memoranda of the route or course of said drain and the various final subdivisions of land through which it passes shall be made together with the dimensions of said drain and shall be entered in the book of record to be kept by said superintendent of drains, and when so entered shall be signed by a majority of said board.

SEC. 10. Within two days after the final determination by said drain board of the dimensions of said drain and its route or course the said superintendent of drains shall advertise for bids for the construction thereof by posting written or printed notices at every public highway crossed by said drain at the point of said crossing, and in addition thereto at five of the most public and conspicuous places in each township having land to be assessed for the benefits for the construction of said drain, and also by mailing to the county clerk a copy of such notice, whose duty it shall be, immediately on the receipt thereof, to post the same on the front door of the court house. He shall also serve a copy of such notice personally upon every person whose lands are

affected by the assessment for such drain and who resides in the township or townships traversed by such drain, except such persons as shall have signed the petition for said drain, the signing of which petition shall be equivalent to a perpetual license to construct and maintain such drain as may be located by said drain board in accordance with said petition through the land of each and every signer of said petition, and no other right of way or conveyance therefor for said drain shall be required from any person signing said petition, and such signer of such petition and his grantees shall be at all times thereafter estopped from revoking said license. And it shall be the duty of such superintendent of drains, after said petition has been filed with him, to obtain the signatures of as many persons interested as it is possible for him to do to said petition in addition to those required by law before the same is filed. As to all other persons though [through] whose land said drain shall run the said superintendent of drains shall obtain the right of way as provided for by law and while the notice of the letting of such drain is running and before the day for the letting of the contracts for the construction of such drain, but in case such superintendent of drains is unable to obtain such releases of right of way as may be necessary before the day fixed for the letting of the construction of such drain, then such letting may be postponed from time to time until such releases may be obtained, not exceeding thirty days in all, and notice of such postponement shall be given by posting the same at the places in said township or townships required for the original posting of notices. The notice of the letting of contracts for construction of such drain shall be not less than ten days nor more than fifteen days in length from the time of posting the same until the day of letting.

To obtain
signatures.

Right of
way, etc.

Postpone-
ment, notice
of.

Contracts,
how let.

SEC. 11. When such releases as are herein required are obtained the superintendent shall proceed in accordance with such notice to let said drain by sections to the lowest responsible bidder who will furnish security for the performance of his contract, which security will be such as will be approved by such superintendent, and said superintendent shall never receive a bid from any person who has before that time failed to carry out any contract for the building of any drain in said county in accordance with the terms of said contract, unless said superintendent shall find as a fact that such failure was not the fault of said bidder; and it shall be distinctly understood at the time of such letting that the successful bidder on each of said sections shall commence his work thereon within ten days after the letting of the contract and shall continue upon such work whenever the weather will permit until the same is completed and shall perform such work under the direction and subject to the order and to the satisfaction of said superintendent of drains.

Contract to
lowest respon-
sible bidder,
etc.

Contractor,
when to com-
mence work.

Assessments,
when made.

SEC. 12. As soon as the construction of said drain is let the said drain board shall make an assessment according to benefits, as follows:

First. To each township such benefit as such board deems the construction or opening or cleaning of such drain to be to that township;

Second. To each piece or description of property benefited by such drain the amount of such benefit upon the same basis that benefits accrue to each and every other description of land benefited by such drain; that is to say, said drain board shall commence at the lower end of said drain and shall examine and determine each piece or description of land that is benefited by such drain and the amount of the actual benefit to such description over the entire length of said drain whether the same shall be contiguous thereto or not and shall after each description set down in a column the amount of benefit that in their best judgment such description derives from said drain, and said board shall then ascertain the sum thereof and it shall then subtract from the cost of the construction of said drain the amount assessed to the township or townships, and the balance shall be the amount to be provided for by the special assessment upon the lands described for that purpose and which shall constitute a special assessment district to be known by the name of such drain, then the amount actually assessed against each description shall be to the amount set opposite that description as the amount of special assessment for benefits shall be to the sum of the amounts first set opposite said descriptions in the column heretofore provided for, and this shall be done within three days after the letting of the contracts for said drain.

Board of re-
view, notice of
meeting, etc.

SEC. 13. The said drain board shall also constitute a board of review, and at the time of the letting of the contracts for the construction of such drain notice shall be given of the time and place when the assessment of benefits will be made by said board and of the time and place when said board will meet as a board of review, and at such time said board shall be in session at least one day from nine o'clock in the morning until five o'clock in the afternoon.

Superintend-
ent, duties of.

SEC. 14. Said superintendent of drains shall by himself or his assistant take personal charge and control of the construction of each and every drain and shall see that the same is done in accordance with the contract therefor, and if any person who has taken or entered into any contract for any portion of the work of constructing said drain shall be absent therefrom and cease to perform work thereon at any time for a period of five days his contract shall at the option of the said superintendent of drains be void and of no force or effect and he shall forfeit compensation for any work theretofore done, unless such delay is occasioned without his fault and by reason of the weather being such that it is impossible for him to proceed with his job or such other condition aris-

Contract void.
etc.

ing without his negligence which may in the judgment of said superintendent of drains excuse such delay, but in no case shall he be given more time in which to perform his said contract than that stipulated for in said contract.

SEC. 15. All papers, books and memoranda in the hands of any superintendent of drains for the county of Muskegon shall be immediately turned over and delivered to his successor on demand accompanied by a certificate of the appointment of such successor signed by the clerk of said board of supervisors. The superintendent of drains shall make a report to every regular meeting of the board of supervisors of all his doings as such superintendent and of the condition of all drains upon which work is then being done or has been done since his last report and shall make such other reports from time to time as may be required by said board of supervisors, which report shall be filed with the clerk of said board on or before the first day of each session thereof.

Papers, etc.,
turned over.

Superintendent to make
report.

SEC. 16. The present drain commissioner shall by virtue of this act be the superintendent of drains for the county of Muskegon and shall continue to hold his office until his successor is elected and qualified, and shall receive such compensation therefor as the board of supervisors shall establish for such office.

Drain commissioner to
be superintendent.

Compensation.

This act is ordered to take immediate effect.

Approved May 4, 1905.

[No. 533.]

AN ACT to authorize the township board of the township of Homer, in the county of Midland, to borrow three thousand five hundred dollars for the purpose of building a bridge, and to issue its bonds therefor.

The People of the State of Michigan enact:

SECTION 1. The township board of the township of Homer, in the county of Midland, is hereby authorized and empowered to borrow a sum of money not exceeding three thousand five hundred dollars, on the faith and credit of said township, and to issue its bonds therefor, payable at a time or times not exceeding ten years from the date thereof, and at a rate of interest not exceeding five per cent per annum, which money shall be expended for the purpose of building a bridge across Pine river, on or near the section line between sections twenty-four and twenty-five in said township, and for no other purpose.

Borrow
money, to
build bridge.
Amount.

SEC. 2. It shall be the duty of the township board of said township to provide by tax for the payment of the interest

Payment of
interest, etc.

on said bonds so issued, as the same shall accrue each year, which tax shall be certified, levied and collected in the same manner as other township taxes.

Bonds, payment of, etc.

SEC. 3. It shall be the duty of the township board of said township to provide for the payment of said bonds at the time or times when the same shall become due and payable, by the levying of a tax for that purpose upon the taxable property of said township; and the moneys collected on such levy shall constitute a separate fund, and shall be applied to the payment of said bonds and to no other purpose.

Interest, when payable.

SEC. 4. The interest on said bonds shall be payable annually on the first day of April in each year.

Termination of right to issue.

SEC. 5. The right to issue bonds under the provisions of this act shall terminate on the first day of September in the year nineteen hundred five.

Bonds, denomination of, etc.

SEC. 6. Such bonds shall be signed by the supervisor and treasurer and countersigned by the clerk and shall be issued in denominations of one hundred dollars each; and not more than five of such bonds shall mature in any one year, nor shall any of them mature before April one, nineteen hundred six.

This act is ordered to take immediate effect.

Approved May 4, 1905.

[No. 534.]

AN ACT authorizing the board of supervisors of Bay county to borrow the sum of twenty thousand dollars, for the purpose of paying the expense and cost of construction of a county building for the care and maintenance of poor and indigent persons.

The People of the State of Michigan enact:

Authority to borrow.

SECTION 1. The board of supervisors of the county of Bay is hereby authorized and empowered to borrow the sum of twenty thousand dollars, and issue evidence of indebtedness therefor in the form of negotiable orders, due and payable for the one-half of said amount, namely: Ten thousand dollars, May one, A. D. nineteen hundred six, and the balance of said amount, namely: Ten thousand dollars, May one, A. D. nineteen hundred seven; said orders to bear interest at a rate not exceeding six per centum per annum and payable at such place of business as may be designated by said board of supervisors, or the ways and means committee thereof. The said amount of twenty thousand dollars, or so much thereof as may be borrowed pursuant to the provisions of this act, shall be used for no other purpose whatever than

Orders, when payable.

For what used.

that of constructing and erecting a county building to be used for the purpose aforesaid.

This act is ordered to take immediate effect.

Approved May 4, 1905.

[No. 535.]

AN ACT to amend sections eight, nine and twelve of act number four hundred seventy-five of the local acts of nineteen hundred three, entitled "An act to establish and provide justices' courts in the city of Detroit, and to repeal act number four hundred twenty-six of the local acts of nineteen hundred one, approved May thirteenth, nineteen hundred one," approved May twentieth, nineteen hundred three.

The People of the State of Michigan enact:

SECTION 1. That sections eight, nine and twelve of act number four hundred seventy-five of the local acts of nineteen hundred three, entitled "An act to establish and provide justices' courts in the city of Detroit, and to repeal act number four hundred twenty-six of the local acts of nineteen hundred one, approved May thirteenth, nineteen hundred one," approved May twentieth, nineteen hundred three, be amended to read as follows: Sections amended.

SEC. 8. Each of the said justices shall have his court room open, and he shall be in attendance at the duties of his office therein, from nine o'clock in the forenoon, standard time, until twelve o'clock noon, and from two o'clock until three thirty o'clock in the afternoon: Provided, That where either one of said justices is actually engaged in the trial of a suit, he shall so continue at least until five o'clock in the afternoon, when it shall be necessary so to do in order to finish the trial of said suit. Justices, duties of.

SEC. 9. There shall be one clerk for said justices, who shall be known as the clerk of the justices' courts, for Detroit. The office of said clerk shall be open continuously from eight thirty A. M. until three thirty P. M., standard time, each day, excepting legal holidays. He shall be appointed by the board of auditors for the county of Wayne forthwith upon the making and filing with them of the written recommendation of the majority of said justices holding office, on or before December thirty-first of each year. If for any reason such recommendation be not made and filed by the said date then the said auditors shall make such appointment on their own motion. The term of office of said clerk Clerk, duties of.

By whom appointed.

Term of office.

Salary of.	shall be one year, to commence on the first day of January. He shall receive from the treasurer of Wayne county an annual salary of fifteen hundred dollars, payable in semi-monthly installments on the certificate of said auditors of Wayne county.
Assignment list kept by clerk.	SEC. 12. Said clerk shall keep an assignment book or list upon which the names of the justices shall appear, and as cases are commenced, he shall assign them and make all writs and process therein returnable to the said justices in rotation, and as each case is assigned he shall number the same, and the said number shall be designated and known as the file number. All original writs or process issued by said justices shall be returnable at nine o'clock in the morning, standard time. If, upon the return day or the adjourned day of any case, the justice issuing the writ or process therein, shall be absent at the time to which the case has been adjourned or the writ or process therein made returnable, or be engaged in the trial of another case, then any of the other justices present shall have the same jurisdiction to proceed therein as though the case had been originally commenced before him, and the record thereof shall be entered in the docket of the justice issuing the original writ or process: Provided, That it shall not be necessary for the said justices to wait any length of time after the time fixed by any writ or adjournment to dispose of the cases pending before them.
Writs, when returnable.	
Justices, jurisdiction of.	
Proviso.	

This act is ordered to take immediate effect.

Approved May 4, 1905.

[No. 536.]

AN ACT to authorize the city of Flint, in the county of Genesee, to borrow money and issue bonds therefor, for the purpose of erecting a city hall and a fire station and furnishing and equipping them.

The People of the State of Michigan enact:

Borrow money and issue bonds.	SECTION 1. The common council of the city of Flint, in the county of Genesee, is hereby authorized and empowered to borrow money in the name and on the faith and credit of said city, and issue bonds therefor to an amount not exceeding fifty thousand dollars, to be expended in erecting a new city hall and a new fire station, and furnishing and equipping them: Provided, That a majority of the tax paying electors of said city voting on such proposition at a regular or special election held in accordance with the provisions of this act shall vote in favor of such loan, and not otherwise.
Proviso.	

SEC. 2. The question of raising said money shall be submitted by the common council to the tax paying electors of the said city at any annual election held in said city after this act shall take effect, or a special election called for that purpose, and the common council is hereby authorized and empowered to order a special election for the purpose of having the question of raising said money voted upon by the tax paying electors of the said city, whenever a special election for that purpose is deemed necessary.

Election,
annual or
special.

SEC. 3. If the question of raising said money is submitted to the tax paying electors of said city at an annual election, notice that the same will be so submitted shall be included in the notice of such election required to be given by section one of chapter three of the charter of said city, and published as a part of such notice in the same manner as such notice is required to be published. If the common council under the provisions of this act shall order a special election for the purpose of submitting the question of raising said money to the tax paying electors of said city, public notice of such special election and that the question of raising said money will be submitted to the tax paying electors of said city of Flint thereat, shall be given by order of the common council signed by the city clerk, by publishing the same in a newspaper in said city once in each week for at least two weeks immediately preceding such special election, and by posting a copy of such notice in at least five public places in said city not less than two weeks before such special election, and the time fixed for such special election shall be sufficient in which to give such notice.

Elections,
notice of, etc.

SEC. 4. The vote upon such proposition shall be by printed ballot in the following words:

Ballots, style
of, etc.

“For bonding the City of Flint to erect a new City Hall and Fire Station and furnishing and equipping them—
Yes.” []

“For bonding the City of Flint to erect a new City Hall and Fire Station and furnishing and equipping them—
No.” []

If the question of raising said money is submitted to the tax paying electors of said city at a special election ordered by the common council for that purpose, the common council shall at the same time such special election is ordered designate and elect two tax paying electors of said city to act as inspectors of such election, and the inspectors so chosen shall have power to act as such inspectors and to appoint all necessary clerks. At such special election there shall be but one polling place in the city which shall be at the city hall and the polls shall be opened at eight o'clock in the forenoon and remain open until eight o'clock in the afternoon. In all other respects such special election shall be held and conducted and the votes thereat canvassed in

Inspectors of
election, how
chosen.

One polling
place.

Polls open.

Canvass of votes, certificate, etc. the same manner as other city elections, and immediately upon the conclusion of such canvass the inspectors shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against it. Said inspectors shall indorse upon such certificate a declaration of the result of such election, which certificate and declaration shall then be filed with the city clerk of said city. If it is voted on at an annual election, the ballots shall be placed in a separate box and marked "bonding proposition," and shall be canvassed and the result declared in the same manner as all other matters voted upon at such annual election.

Annual election, ballots, how marked.

Bond issue, not to exceed, etc. SEC. 5. If such loan shall be authorized by a majority of the tax paying electors voting on such proposition at the election at which it is submitted to them, bonds may be issued in such sums not exceeding in all the sum of fifty thousand dollars, and payable at such times and at such rate of interest, not exceeding four per cent per annum, as the common council of said city may by ordinance direct, and such bonds shall be signed by the mayor and countersigned by the city clerk of said city and negotiated by and under the direction of said common council for a sum not less than the par value thereof and the money arising therefrom shall, under the direction of the common council, be applied for the purpose for which said money was raised, and for no other purpose; and said common council shall have the power, and it shall be their duty, to raise by tax upon the taxable property of said city such sum or sums as shall be sufficient to pay said bonds, and the interest thereon, when the same shall become due.

By whom negotiated.

Council to pay, by tax.

This act is ordered to take immediate effect.
Approved May 4, 1905.

[No. 537.]

AN ACT to authorize the township of Stephenson in the county of Menominee and State of Michigan, to issue and sell bonds to an amount not exceeding five thousand dollars, for the purpose of obtaining money with which to pay outstanding indebtedness.

The People of the State of Michigan enact:

Issue bonds. SECTION 1. The township board of the township of Stephenson in the county of Menominee and State of Michigan is hereby authorized and empowered to issue the negotiable coupon bonds of said township to an amount not exceed-

ing five thousand dollars, and to pledge the faith and credit of the said township for the payment of the principal and interest thereof. Said bonds when executed, sold and delivered in such manner, bearing such rate of interest, not exceeding five per cent per annum and payable at such time, not exceeding ten years after the date thereof, as the said township board shall, by resolution, determine, shall constitute valid and binding obligations of the said township. When payable, etc.

SEC. 2. Said bonds shall be sold at not less than their par value and the proceeds thereof when so sold shall be applied by the said township board to the payment of the outstanding indebtedness of said township. Proceeds of.

SEC. 3. Said township board shall have power to cause to be levied in the manner provided by law for levying other township taxes upon the taxable property situated in said township, such tax as may, from time to time be necessary to pay the interest and principal of said bonds. Tax levy.

This act is ordered to take immediate effect.

Approved May 10, 1905.

[No. 538.]

AN ACT to provide for the payment of salaries to the sheriff, clerk, treasurer, register of deeds and deputies of said offices of Genesee county, Michigan, and provide for the collection of all fees and payment of the same to the county treasurer.

The People of the State of Michigan enact:

SECTION 1. The board of supervisors of Genesee county, Michigan, is hereby empowered to pay the sheriff, county clerk, county treasurer, register of deeds and such deputies as the board of supervisors allow, out of the county treasury such annual salaries as the board of supervisors may determine as hereinafter provided. Such salaries shall be fixed and determined by said board at its annual meeting in October, nineteen hundred seven, and every two years thereafter prior to the commencement of the terms of said officers, and such compensation shall be in full for all services for which the county may be liable and in lieu of all fees which are fixed by law. Salaries of officers.
How fixed.

SEC. 2. The sheriff and deputies who receive a salary shall collect and make itemized statement of all fees required by law for the service of any process other than that of the county which shall be paid to the county treasurer, the last day of each month, taking duplicate receipts therefor. The county treasurer, county clerk and register of deeds shall collect all Officers to collect fees and make statement.

	fees required by law and make out an itemized statement of the same and pay them to the county treasurer the last day of each month, taking duplicate receipts therefor.
Salaries, not to exceed.	SEC. 3. The salaries, as provided by this act, shall not exceed the sum of three thousand dollars for the sheriff, two thousand dollars for the county clerk, two thousand dollars for the county treasurer, and two thousand dollars for the register of deeds, and that of their deputies not to exceed seven hundred fifty dollars. The salaries aforesaid shall be paid monthly by the county treasurer, upon a warrant issued by the county clerk, but not until the itemized statement of all fees collected and paid over to the county treasurer, as aforesaid, has been sworn to and filed with the county treasurer and a duplicate of the receipt therefor filed with the county clerk.
How and when paid.	
Credit general fund.	SEC. 4. All money received by the county treasurer by virtue of this act, shall be credited to the general fund of the county.
Supervisors, duties and powers of, etc.	SEC. 5. The board of supervisors are hereby empowered to pay the sheriff or his deputies, who receive a salary by virtue of this act, any money actually expended by them in pursuance of their official duties; also to make contracts with the sheriff for the board and laundry of the prisoners lodged in the county jail; also to provide for all printing, stationery, postage, purchasing of books, records and other papers necessary for the public service.
Election, when held, notice of, etc.	SEC. 6. The question of the adoption of the provisions of this act shall be submitted to the people of Genesee county at the election to be held on the first Monday in April, nineteen hundred six; and the sheriff of said county is required to give like notice of the same as he is required to give to the several wards and townships at the annual April election. Suitable ballot boxes shall be prepared for the reception of the ballots cast on said proposition in the several townships, wards and precincts in said county. The form of the ballots to be used shall be the following:
Form of ballot.	"To place county officers on salary, Yes []." "To place county officers on salary, No []."
Canvass, etc.	The said ballots shall be prepared, furnished and distributed in the same manner as the other ballots used at such election, and the several boards of election inspectors shall see to it that the same are furnished to the electors in the same manner as other ballots are furnished. Said ballots shall be counted, canvassed and returned the same as the other ballots cast at said election. If a majority of all the ballots cast on said proposition by the electors of said county, shall be in the affirmative, then the provisions of this act shall be in full force and effect in said county, otherwise not.
Acts repealed.	SEC. 7. All acts or parts of acts contravening the provisions of this act are hereby repealed.
	Approved May 10, 1905.

[No. 539.]

AN ACT to authorize and enable the city of Ann Arbor to build, construct and install a garbage crematory or plant, to purchase land, machinery and appurtenances therefor and to raise the money for such purpose by tax or loan.

The People of the State of Michigan enact:

SECTION 1. The city of Ann Arbor is hereby authorized and empowered to build, construct and install a garbage crematory or plant, to purchase land, machinery and appurtenances therefor and to raise by tax or loan on the taxable property of the said city a sum of money not exceeding ten thousand dollars for such purpose. Garbage plant; power to build, etc.

SEC. 2. Whenever the common council shall propose to cause any such garbage crematory or plant to be built, constructed and installed they shall so declare by resolution, specifying the sum of money purposed to be expended for that purpose, to be passed by at least a two-thirds vote of all the aldermen elect and shall cause such resolution to be entered in the record of their proceedings, whereupon the common council may, at the then or the next regular meeting, have power and authority to call a special meeting of the qualified electors of the city pursuant to the provisions of the charter, and shall submit to the said electors the question of raising the money for such purpose by loan or otherwise; and the common council may submit said question to said electors at any annual city or general election. The vote of said electors on such question shall be by ballot. The ballot shall be printed on white paper of equal length and width. The affirmative ballot shall have printed thereon the words, "For the garbage crematory or plant loan—Yes." The negative ballots shall have printed thereon the words, "For the garbage crematory or plant loan—No." The canvass of the vote and the determination of the result of such election shall be in accordance with the provisions of the city charter: Provided, however, That nothing in this act contained, or in the city charter, shall be construed to prevent the common council, in its discretion, to order the vote at such election, and the question submitted to be voted on and determined by the use of the Abbott voting machine. In the event of the use of the Abbott voting machine all "no choice" votes shall be disregarded and not counted. Council resolution, etc.
Special election.
Ballots.
Canvass of vote.
Proviso.
Voting machine, "no choice" votes, etc.

SEC. 3. If the electors at the said election shall vote to authorize the building, construction and installation of such garbage crematory or plant, then the common council shall have power and authority to issue and dispose of the bonds of the city of Ann Arbor in a sum not exceeding ten thousand dollars for such purpose; the said bonds to be issued in such denominations and payable at such times and in such Disposal of bonds.
Payable, when.

installments, not exceeding thirty years, and at a rate of interest not exceeding four per cent per annum, as the common council shall determine: Provided, That none of the said bonds shall be sold or disposed of for less than par value.

Proviso.

Council, duty of.

Tax budget.

SEC. 4. After the sale and disposition of said bonds, or any part thereof, the common council shall have power and authority, and it shall be the duty of the common council to include in each annual tax bill or budget a sum of money sufficient to pay and discharge any sum either of interest or principal, which shall be due or become due on account of the said bonds during the year in which any such tax is raised; and all such sums of money so to be levied and assessed shall be in addition to and in excess of the money authorized by law to be levied and raised for all other city purposes.

This act is ordered to take immediate effect.

Approved May 10, 1905.

[No. 540.]

AN ACT to amend section two hundred eighty of act number three hundred twenty-one of the local acts of eighteen hundred ninety-seven, entitled "An act to amend and revise the charter of the city of Adrian."

The People of the State of Michigan enact:

SECTION 1. Section two hundred eighty of act number three hundred twenty-one of the local acts of eighteen hundred ninety-seven, entitled "An act to amend and revise the charter of the city of Adrian," is hereby amended to read as follows:

Section amended.

SEC. 280. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this act, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors voting upon the question at an annual city election, or at a special election called for that purpose. The amount that may be voted or raised in any year under the provisions of this section, shall not exceed five per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls made therein.

Public improvements, raised by tax or loan.

Amount not to exceed.

This act is ordered to take immediate effect.

Approved May 10, 1905.

[No. 541.]

AN ACT to amend section four of act number four hundred eighty-one of the local acts of nineteen hundred one, entitled "An act to organize the township of Millen, in the county of Alcona, State of Michigan, into a union school district."

The People of the State of Michigan enact:

SECTION 1. Section four of act number four hundred eighty-one of the local acts of nineteen hundred one, entitled "An act to organize the township of Millen, in the county of Alcona, State of Michigan, into a union school district," is hereby amended so as to read as follows: Section amended.

SEC. 4. Said board at its regular meeting, on the third Monday of August in each year, shall make an estimate of and determine the amount of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditure within the powers of said board; which estimate shall specify the amount required for the different objects of expenditure, and shall be entered at length on the records of the proceedings of said board; and the clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary and certify the same to the supervisor of the township of Millen, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes. Board, duties of.
Clerk to make report.
Taxes.

This act is ordered to take immediate effect.

Approved May 10, 1905.

[No. 542.]

AN ACT to repeal an act providing for two voting precincts for the township of Portage, in the county of Houghton, and defining the limits thereof, providing for a new registration of the voters thereof, and determining who shall be inspectors of election therein, being act number three hundred eight of the local acts of the State of Michigan for the year eighteen hundred eighty-nine.

The People of the State of Michigan enact:

SECTION 1. That an act providing for two voting precincts for the township of Portage in the county of Houghton, and defining the limits thereof, providing for a new registration Act repealed.

of the voters thereof, and determining who shall be inspectors therein, being act number three hundred eight of the local acts of the State of Michigan for the year eighteen hundred eighty-nine is hereby repealed.

This act is ordered to take immediate effect.

Approved May 11, 1905.

[No. 543.]

AN ACT to authorize the village of Luther in the county of Lake, State of Michigan, to borrow money and issue bonds therefor, and to provide for the payment of the same, for the constructing and furnishing a village building and making public improvements.

The People of the State of Michigan enact:

Authority to borrow.

SECTION 1. The council of the village of Luther in the county of Lake, State of Michigan, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and to issue bonds therefor, to an amount in addition to that otherwise authorized by law, not to exceed three thousand dollars, which shall be expended in constructing and furnishing a public building and in making public improvements in said village of Luther.

Bond issue, etc.

Bonds, denomination, when payable, etc.

SEC. 2. The council of said village may issue said bonds in such sums, not to exceed the amount herein specified, payable at such place and time, not to exceed ten years from the date of said bonds, and with such rate of interest, not to exceed six per cent per annum, as the said council shall direct. Said bonds shall be signed by the president of said village and countersigned by the clerk, and shall be sealed with the seal of said village.

How negotiated, etc.

SEC. 3. Said bonds shall be negotiated by or under the direction of the council of said village, but no bonds issued under and by virtue of this act, shall be sold at less than their par value. The moneys arising from the sale of said bonds shall be appropriated by or under the direction of said council for the purposes aforesaid.

Council, power to raise by taxation, etc.

SEC. 4. The council of said village shall have power and it shall be its duty to raise by tax upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereof as fast as the same shall be due. Any tax assessed pursuant to this act may be in addition to that otherwise provided for by law.

This act is ordered to take immediate effect.

Approved May 11, 1905.

[No. 544.]

AN ACT to detach certain territory from the city of Omer and attach the same to the township of Arenac, Arenac county, Michigan.

The People of the State of Michigan enact:

SECTION 1. A certain piece of land described as follows, Description.
to-wit: Commencing at the northeast corner of lot three, block four, of the Gorrie and Carscallen plat of the city of Omer, running thence west one hundred thirty-two feet; thence south two thousand fifty feet to the section line between sections fifteen and twenty-two, Arenac township, Arenac county, Michigan; thence east along said section line one hundred thirty-two feet; thence north two thousand fifty feet to the place of beginning, shall be detached from the city of Omer, Arenac county, Michigan, and attached to the township of Arenac, Arenac county, Michigan.

SEC. 2. The territory so detached from said city of Omer and attached to said township of Arenac shall form a portion Territory to form township. of the said township of Arenac, contained in the corporate limits of said township.

SEC. 3. It may be lawful for the said township of Arenac Hall for elections. to maintain a township hall upon said premises, wherein the various elections of said township may be held.

This act is ordered to take immediate effect.

Approved May 11, 1905.

[No. 545.]

AN ACT authorizing the township of Springville in the county of Wexford to issue bonds in the amount of not more than ten thousand dollars, for the construction of a bridge or bridges over the Manistee river in said township, and to provide for the manner of issuing the same and payment thereof.

The People of the State of Michigan enact:

SECTION 1. The township of Springville, in the county of Wexford, is hereby authorized and empowered to issue bonds Bond issue not to exceed, etc. upon the faith and credit of such township, to an amount not exceeding ten thousand dollars, and to use or negotiate the same for the purpose of raising money to pay for the construction of a bridge or bridges over the Manistee river in said township, upon the conditions, under the circumstances, and in the manner hereinafter provided.

Election,
general or
special.

When and
where held.

Notice, what
to contain.

Ballots, etc.

Votes
canvassed,
certificate,
etc.

Statement
filed.

Bonds issued
in what sums,
and payable
when, etc.

By whom
signed and
negotiated.

Tax levy.

SEC. 2. No such bonds shall be issued unless a majority of the qualified electors of said township, voting at a township meeting, a general election or a special election duly called to be held at a time fixed by the township board of said township, not more than sixty days after said board shall have decided to call said election, which shall be held at the same place that the last preceding township election was held, and conducted in the manner hereinafter provided, shall so determine; and the said township board is hereby authorized and empowered to submit the question of said bonding to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in printed or written notices, to be posted in five public places in said township, at least ten days before the time fixed for such election, which notice shall state the amount of money proposed to be raised by such bonding, and the purpose to which it shall be applied.

SEC. 3. The vote upon such proposition shall be by printed ballot, setting forth the amount and purpose of bonds proposed to be issued, the time when said bonds shall fall due, and the rate of interest thereon. Such election shall be conducted and the votes thereat canvassed in all respects as in other township elections, and immediately upon the conclusion of such canvass, the inspectors of election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against it. Said inspectors shall endorse upon such certificate a declaration in writing of the result of such election, which certificate and declaration shall then be filed with the clerk of the township, and a copy thereof certified to by said township clerk shall be filed in the office of the clerk of Wexford county.

SEC. 4. If the issue of bonds shall be authorized by a vote of the electors of said township, such bonds may then be issued in such sums, not exceeding the amount provided for in this act, as may have been authorized by such vote, payable at such time and with such rate of interest, not exceeding five per cent per annum, as may have been authorized by such vote. Such bonds shall be signed by the township board and countersigned by the township treasurer, and negotiated at not less than their par value, by and under the direction of said board, and the moneys arising therefrom shall be used in paying for the construction of said bridge or bridges before mentioned.

SEC. 5. It shall be the duty of the township board to provide for the raising by tax, upon the taxable property of such township, such sums of money annually as shall be sufficient to pay the amount of said bonds, and the interest thereon, as the same shall become due.

This act is ordered to take immediate effect.

Approved May 11, 1905.

[No. 546.]

AN ACT to authorize the district board of school district number five of the township of Mikado, in the county of Alcona, to issue the bonds of said school district to the amount of one thousand two hundred fifty dollars for the purpose of refunding the bonded indebtedness of said district.

The People of the State of Michigan enact:

SECTION 1. The district board of school district number five of the township of Mikado, in the county of Alcona, is hereby authorized to issue the negotiable coupon bonds of said district to the amount of one thousand two hundred fifty dollars, for the purpose of providing funds to pay the bonded indebtedness of said district. Said bonds shall be designated as "Refunding Bonds;" shall become due and payable not later than ten years from their date; shall bear interest at a rate not exceeding six per cent per annum, payable annually, and shall be in such form, and of such denomination, and executed in such manner, as said district board may, by resolution, direct, and when issued and delivered for value, shall be valid and binding obligations of said school district.

Bond issue,
etc.When
payable.Denomination,
etc.

This act is ordered to take immediate effect.

Approved May 11, 1905.

[No. 547.]

AN ACT to designate and establish a State road in the county of Arenac, through the townships of Mason, Turner and Whitney.

The People of the State of Michigan enact:

SECTION 1. A State road is hereby established, commencing at the west quarter post of section nineteen in township twenty north, of range five east, and running thence east on quarter line of sections nineteen, twenty and twenty-one, to the center of said section twenty-one; thence south on quarter line running north and south in said section twenty-one to the south quarter post of said section; thence east on section line between sections twenty-one and twenty-eight, twenty-two and twenty-seven, twenty-three and twenty-six, and twenty-four and twenty-five in said township twenty north, of range five east, being the township of Mason; thence running east on section line between sections nineteen and

Description.

thirty, twenty and twenty-nine, twenty-one and twenty-eight, twenty-two and twenty-seven, twenty-three and twenty-six, and twenty-four and twenty-five in said township twenty north, of range six east, being the township of Turner; thence running east on section line between sections nineteen and thirty, twenty and twenty-nine, twenty-one and twenty-eight, twenty-two and twenty-seven, twenty-three and twenty-six, and twenty-four and twenty-five, to the shores of Lake Huron on the east side of township twenty north, of range seven east, the township of Whitney, all in Arenac county, Michigan.

Name.

SEC. 2. The name of said road shall be the Twining and Lake Huron State road.

This act is ordered to take immediate effect.

Approved May 11, 1905.

[No. 548.]

AN ACT to amend sections sixty-nine, one hundred thirty-four, one hundred thirty-five and one hundred thirty-six of an act, entitled "An act to reincorporate the city of Ann Arbor, revise the charter of said city and repeal all conflicting acts relating thereto," being act number three hundred thirty-one of the local acts of eighteen hundred eighty-nine, approved March fifteen, eighteen hundred eighty-nine, as amended by act number two hundred sixty-two of the local acts of eighteen hundred ninety-one, approved March twenty-eight, eighteen hundred ninety-one, as amended by act number two hundred eighty-two of the local acts of eighteen hundred ninety-one, approved April ten, eighteen hundred ninety-one, as amended by act number three hundred sixty-eight of the local acts of eighteen hundred ninety-three, approved April twenty-seven, eighteen hundred ninety-three, as amended by act number three hundred thirty-six of the local acts of eighteen hundred ninety-five, approved March fifteen, eighteen hundred ninety-five, as amended by act number four-hundred sixty-nine of the local acts of eighteen hundred ninety-seven, approved June two, eighteen hundred ninety-seven, as amended by act number three hundred fifty-six of the local acts of eighteen hundred ninety-nine, approved March thirty, eighteen hundred ninety-nine, as amended by act number two hundred seventy-eight of the local acts of eighteen hundred ninety-nine, approved February sixteen, eighteen hundred ninety-nine, as amended by act number three hundred ninety-two of the local acts of eighteen hundred ninety-nine, approved May ten, eighteen hundred ninety-nine, as amended by act

number five hundred forty-three of the local acts of nineteen hundred three, approved June eighteen, nineteen hundred three; and to add twelve new sections to be known as section one hundred eighteen a, one hundred eighteen b, one hundred eighteen c, one hundred eighteen d, one hundred eighteen e, one hundred eighteen f, one hundred eighteen g, one hundred eighteen h, one hundred eighteen i, one hundred eighteen j, one hundred eighteen k and section one hundred twenty-four a.

The People of the State of Michigan enact:

SECTION 1. Sections sixty-nine, one hundred thirty-four, one hundred thirty-five and one hundred thirty-six of an act, entitled "An act to reincorporate the city of Ann Arbor, revise the charter of said city and repeal all conflicting acts relating thereto," being act number three hundred thirty-one of the local acts of eighteen hundred eighty-nine, approved March fifteen, eighteen hundred eighty-nine, as amended by act number two hundred sixty-two of the local acts of eighteen hundred ninety-one, approved March twenty-eight, eighteen hundred ninety-one, as amended by act number two hundred eighty-two of the local acts of eighteen hundred ninety-one, approved April ten, eighteen hundred ninety-one, as amended by act number three hundred sixty-eight of the local acts of eighteen hundred ninety-three, approved April twenty-seven, eighteen hundred ninety-three, as amended by act number three hundred thirty-six of the local acts of eighteen hundred ninety-five, approved March fifteen, eighteen hundred ninety-five, as amended by act number four hundred sixty-nine of the local acts of eighteen hundred ninety-seven, approved June two, eighteen hundred ninety-seven, as amended by act number three hundred fifty-six of the local acts of eighteen hundred ninety-nine, approved March thirty, eighteen hundred ninety-nine, as amended by act number two hundred seventy-eight of the local acts of eighteen hundred ninety-nine, approved February sixteen, eighteen hundred ninety-nine, as amended by act number three hundred ninety-two of the local acts of eighteen hundred ninety-nine, approved May ten, eighteen hundred ninety-nine, as amended by act number five hundred forty-three of the local acts of nineteen hundred three, approved June eighteen, nineteen hundred three, are hereby amended and there shall be added thereto twelve new sections to be known as sections one hundred eighteen a, one hundred eighteen b, one hundred eighteen c, one hundred eighteen d, one hundred eighteen e, one hundred eighteen f, one hundred eighteen g, one hundred eighteen h, one hundred eighteen i, one hundred eighteen j, one hundred eighteen k and section one hundred twenty-four a.

SEC. 69. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full ^{Officers,} salary, etc.

payment of their services. The mayor shall be paid one dollar per annum; the city clerk shall receive one thousand five hundred dollars per annum, which shall be in full for his services as well as the services of a deputy, of clerk hire, or other assistance required in the performance of the duties of his office; the city attorney shall receive six hundred dollars per annum; the treasurer shall be entitled to receive such sum as the common council shall allow, not exceeding one hundred dollars per annum: **Proviso.** Provided, That the said treasurer shall be entitled to receive, in addition to such salary, the fees hereinafter provided for collecting the taxes to be levied and collected in the said city. The marshal shall be entitled to receive such compensation not exceeding eighty-three and thirty-three one-hundredths dollars per month, as the common council shall allow; the assessor shall receive one thousand five hundred dollars per annum; the justices of the peace and the constables shall be allowed the same fees as are by law allowed to corresponding township officers; supervisors and all other officers of said city shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices: **Further proviso.** Provided further, That the common council may increase the compensation of any officer whenever authorized thereto by a majority vote of the qualified electors of the said city voting at any annual charter election, ten days' notice having been given of the proposed increase.

Board of public works, by whom appointed. SEC. 134. There shall be a board of public works, consisting of seven good and competent men who are electors, no two of whom shall be residents of the same ward. The members of such board shall be appointed by the mayor, subject to the approval of a majority of the members elect of the common council, and shall hold office for the term of five years and until their successors are appointed and qualify, **Proviso.** the said term to commence on the fifteenth day of May: Provided, That the three members of said board now in office shall continue in office for the term for which they were appointed, and until the members of said board provided for by this act shall have been appointed, qualified and shall enter upon their duties as members of said board.

Term of office. SEC. 135. The members of said board in addition to the three members now composing said board shall be appointed, one for the term of two years, one for the term of four years, and two for the term of five years from the fifteenth day of May, nineteen hundred five; and said mayor shall annually nominate to the common council on the first Monday in May of each year, or as soon thereafter as may be, to succeed the member or members of said board whose term of office shall expire upon the fifteenth day of May of such year, a member or members of such board for the term of five years. The members of said board shall at their first meeting after the

fifteenth day of May of each year, or as soon thereafter as may be, elect one of the members thereof as president of said board, whose duties shall be to call meetings of said board whenever he deems it expedient so to do, or when requested in writing by two or more of the other members of said board, and to preside over the deliberations of said board. And the common council shall at all times provide the said board with a suitable office room for its meetings and business uses, and supply record books, stationery and other things necessary for the transaction of the business in charge of said board, and provide for the payment, in like manner, as other accounts against the city, of all necessary and lawful expenses incurred by said board.

President of Board.

Office, by whom provided.

Expenses, by whom paid.

SEC. 136. Said board of public works shall, after the said public improvements have been first duly ordered by the common council, have supervision and charge of the construction and repair of all sidewalks, cellars, under sidewalks, culverts, bridges, platforms, fountains and reservoirs; the construction, repair and extension of all main and lateral sewers and drains; the erection, alteration and repair of all engine houses, police stations, city halls and other public buildings of every description in said city, except schoolhouses and buildings for water works; the deepening and cleaning of ditches and gutters; the cleaning, repairing, grading, plank-ing, graveling or covering with other material of all streets and alleys; and shall, in addition thereto, exercise such other power and perform such other duties in the superintendence, construction and care of public works and improvements as the common council may from time to time by ordinance direct. Said board of public works may recommend a change of grades for streets, alleys, lanes and sidewalks to the common council, but shall make no change in the established grades of any streets, alleys, lanes, gutters or sidewalks of the city without the consent of the common council, made in pursuance of an ordinance of the city establishing all such grades. All plats or additions to the city shall be first submitted to the board of public works for its approval before the same are recorded.

Duties of board.

Grade changes, by consent of council.

SEC. 118a. All real estate now owned by the city of Ann Arbor and dedicated to park purposes, including all properties, buildings and improvements of every kind connected therewith, together with all property that may hereafter be acquired for park purposes, and all lawn extensions and shade trees, shall be under the exclusive control of five commissioners who shall be electors and actual residents of the said city and shall be known and designated as "The Board of Park Commissioners of the City of Ann Arbor."

Parks, by whom controlled.

SEC. 118b. The members of said board shall be appointed by the mayor of said city on the first Monday of May of each year, or within a reasonable time thereafter, and in accordance with the provisions of section thirty-one of the charter of said

Park commissioners, by whom appointed.

Term of office.	city, relative to appointments by the mayor; the full term of each member shall be five years, from the first Monday in May of the year in which he may be appointed and until his successor is appointed and qualified, except as hereinafter specially provided. Whenever the term of office of any member shall expire, his successor shall be appointed by the mayor, as herein provided, and his term of office shall date from the expiration of the term of office of the member whom he succeeds. The members of the said board shall devote all the time necessary to a proper discharge of the duties of their offices, and shall serve without pay. At the first meeting of the said board after the first Monday in May of each year the member whose term of office shall soonest expire shall be president of the board for that year.
Duties of.	
Term of office.	<p>SEC. 118c. Immediately after this act shall take effect the mayor of said city shall appoint five members of said board who shall serve as follows: One until the first Monday in May, nineteen hundred six, and until his successor is appointed and qualified, one until the first Monday in May, nineteen hundred seven, and until his successor is appointed and qualified, one until the first Monday in May, nineteen hundred eight, and until his successor is appointed and qualified, one until the first Monday in May, nineteen hundred nine, and until his successor is appointed and qualified, and one until the first Monday in May, nineteen hundred ten, and until his successor is appointed and qualified.</p>
Appropriation, etc.	<p>SEC. 118d. The common council shall provide an appropriation in its annual budget for the year nineteen hundred five, for the care, maintenance, improvements, or extensions of parks. It shall be the duty of said board to prepare and submit to the common council for its ratification or amendment, on or before the first Monday in June, each year, estimates for the care, maintenance, improvements or extensions of the said parks. Such estimates shall specify in detail the objects of the expenditures, the sum desired for each and any special reasons the board may have for desiring the same. The amount of money which the common council shall determine by resolution to be necessary shall be certified by the city clerk to the city assessor with the other amounts determined to be raised by tax for the city streets, sewers or other purposes in accordance with the provisions of the charter of the city of Ann Arbor.</p>
Estimates for maintenance, etc.	
Park fund.	<p>SEC. 118e. The said board shall pay to the city treasurer all moneys received from any source relating to said parks, who shall receive such money and place the same in a fund to be called the park fund. All expenses incurred by the board on account of parks shall be passed by upon [upon by] it, certified to by the president thereof, and filed with the city clerk who shall certify the same to the common council for payment, and in case the matter of expense involved is included in the annual budget, herein provided for, the common council shall</p>
Expenses, included in annual budget.	

order the payment of the same. In case the matter of expense is not therein included the common council shall take such action in relation thereto as it may deem proper.

SEC. 118f. No debt or liability of any kind shall be created by said board on account of parks in excess of the annual budget and money in said park fund unless specially authorized so to do by a majority elect of the common council. The said board may accept donations or bequests of money or property which shall be used for the maintenance and improvements of said parks as contemplated by such donation or bequest.

Board to create no debt, unless by authority of council.

May accept bequests.

SEC. 118g. Said board shall have power to engage or appoint all employees on the parks and fix their compensation. It shall have power to appoint a superintendent of parks, who shall not be a member of said board, and fix his salary. Such superintendent shall hold his position during the pleasure of said board.

Board to appoint employees and fix compensation.

SEC. 118h. Said board shall have exclusive control over all improvements in any of the said parks; also the construction of all buildings and the maintenance thereof within said parks, and the care and trimming of all shade trees within said city.

Control of improvements.

SEC. 118i. The said board may make all needful rules and regulations for the management, maintenance and care of parks and regulate their use; and the common council of said city may provide ordinances for the observation of the same; and may also, in like manner, provide for the observation and enforcement of any other rules and regulations duly made by the said board, under any provisions of this act; and said common council may by ordinance provide for the preservation and protection of the parks and any of the property in charge of said board against any destruction or injury, and prevent the destruction or injury to, or taking of any trees, shrubs, plants, flowers, or other things set out, planted or used by the said board in benefiting, improving or ornamenting the said parks and prevent any disorder or disturbance on or about said parks or any encroachment thereon or any interference with the quiet and peaceful use and enjoyment of the same, for the purposes for which the same are established and maintained. The said ordinances may provide for the punishment of any breach or violation of any of their provisions by like penalty provided for violations of ordinances of the said city.

Management of parks.

Ordinance to preserve parks, etc.

Punishment for violation of.

SEC. 118j. The said board shall classify the various works under its control, and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs, superintendence and salaries of employees, and, also, detailed accounts of all other matters under its charge and control, and upon the second Monday in May, in the year nineteen hundred six, and on the second Monday in May in every year thereafter, and oftener if required by the com-

Board to keep account of cost, etc.

Statement
to council.

mon council, shall submit to it a statement, showing in detail, the progress and condition of all the public improvements commenced or carried forward by said board; the character and amounts of all contracts made by the board; the moneys earned and paid thereon, and all other information necessary to the full understanding of the business conducted by said board.

City engineer
duties of.
Attorney and
clerk.

SEC. 118k. The city engineer shall perform such services as may be required of him by the said board; the city attorney shall be the legal adviser of said board and the city clerk shall be the clerk of said board.

Sewers,
council may
construct.

SEC. 124a. Whenever the parties owning a majority of the area of land in any proposed storm sewer district shall petition the common council to construct storm sewers in said district, it may order the improvement made and assess the whole or any part of the cost of the same against the property in said district included in the petition, and all proceedings for the construction of said storm sewers shall be the same as that for the construction of lateral sewers in said city.

This act is ordered to take immediate effect.

Approved May 11, 1905.

[No. 549.]

AN ACT to authorize and empower justices of the peace of the city of Standish to have cognizance of all civil actions within the jurisdiction of a justice of the peace, when either the plaintiff or defendant resides in the county of Arenac.

The People of the State of Michigan enact:

Jurisdiction.

SECTION 1. Justices of the peace in the city of Standish shall have cognizance of all civil actions within the jurisdiction of a justice of the peace, when either the plaintiff or defendant resides in the county of Arenac.

This act is ordered to take immediate effect.

Approved May 11, 1905.

[No. 550.]

AN ACT to divide the township of Bedford, in the county of Monroe, into two election districts.

The People of the State of Michigan enact:

SECTION 1. The township of Bedford in the county of Monroe is hereby divided into two election districts as follows: District number one shall consist of sections one, two, three, four, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and the east one-half of section twenty-one and all of sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five, thirty-six of town eight south of range seven east, and all of sections one, two and three of town nine south of range seven east that lies north of State line between Ohio and Michigan. District number two shall consist of sections five, six, seven, eight, seventeen, eighteen, nineteen, twenty and the west one-half of section twenty-one and all of sections twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, all of town eight, south of range seven east, and all of sections four, five and six, town nine south of range seven east, that lies north of the State line.

SEC. 2. The first election to be held on the first Monday in April, nineteen hundred six in said district number one shall be held at the place where the township meetings and elections in said township have heretofore been held, and said election to be held in district number two at some convenient place in the hamlet of Lambertville, situated in the township of Bedford in said county of Monroe, State of Michigan.

SEC. 3. Said election districts shall be subject to all of the provisions of chapter ninety-five of the compiled laws of eighteen hundred ninety-seven, except the first section thereof, and all elections therein shall be conducted in the manner and by the officers prescribed by said chapter, and all the votes cast thereat shall be canvassed in accordance with the requirements of said chapter.

This act is ordered to take immediate effect.

Approved May 17, 1905.

[No. 551.]

AN ACT to authorize school district number seven of the township of Springwells, county of Wayne, and State of Michigan, to borrow money and issue bonds therefor in the sum of fifty thousand dollars, to be used to refund its present bonded and floating indebtedness and to purchase site and build additional school buildings and for furnishing and equipping the same.

The People of the State of Michigan enact:

Authority to
borrow
money, etc.

Proviso.
Further
proviso.

To be voted
upon.

Election,
notice of, etc.

SECTION 1. School district number seven of the township of Springwells, county of Wayne, and State of Michigan, is hereby authorized and empowered to borrow on the faith and credit of said school district, a sum of money not to exceed fifty thousand dollars, for a term not exceeding thirty years from date of issue, at a rate of interest not exceeding five per cent per annum payable semi-annually, at such place or places as the board of trustees of said school district may determine, and to issue the bonds of said district therefor, in such denominations as the board of trustees may by a majority vote of all the members thereof elect, determine: Provided, however, That no such bonds shall be sold for less than par value: And provided further, That no bonds shall be issued or moneys borrowed for the purpose of refunding its present bonded and floating indebtedness and to purchase site and build additional school buildings and for furnishing and equipping the same, until the question of borrowing such sum of money and issuing of said bonds therefor shall first be submitted to a vote of the electors of said school district, qualified under the laws of the State of Michigan to vote on questions which directly involve the raising of money by tax for said school district, present at any annual or special meeting appointed and called by the board of trustees of said school district for the purpose of voting thereon, and unless the borrowing of such sum of money and the issue of said bonds therefor shall be authorized by the affirmative vote of a majority of such qualified electors voting upon said proposition at such meeting.

SEC. 2. The board of trustees of said district shall submit the question of making such loan and issuing said bonds to the electors mentioned in section one of this act, at any annual meeting of said district, or at any special meeting called by said board for the purpose of voting on such proposition, and public notice of such meeting, which shall contain a statement of the time, place and object thereof, shall be given by said board of trustees, by causing copies of such notice to be posted in at least five public places, in said district, not less than six days before the time of such meeting.

SEC. 3. At such annual meeting, or at the special meeting provided for in section two of this act, at which the proposition of issuing said bonds may be submitted to the electors of said district, the moderator, director and treasurer (formerly called assessor) of said school district, shall constitute a board of inspectors, and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open for two hours after the time fixed for the meeting, in the notices thereof. The vote upon such proposition shall be by ballot, either printed or written or partly printed and partly written, and the proposition each time a vote is taken stating the sum to be borrowed shall be stated upon such ballots in the following form: "For borrowing the sum of dollars and issuing the bonds of school district number seven of the township of Springwells, Wayne county, Michigan, therefor, at not to exceed five per cent interest per annum, and for not to exceed thirty years, to be used to refund its present bonded and floating indebtedness and to purchase site and build additional school buildings and for furnishing and equipping the same—Yes." And "For borrowing the sum of dollars and issuing the bonds of school district number seven of the township of Springwells, Wayne county, Michigan, therefor, at not to exceed five per cent interest per annum and for not to exceed thirty years, to be used to refund its present bonded and floating indebtedness and to purchase site and build additional school buildings and for furnishing and equipping the same—No." And the ballots shall be deposited in a separate ballot box provided for the purpose. At the closing of the polls the inspectors shall canvass the ballots and publicly declare the result thereof, and record the same in the school district records. Inspectors,
ballots, etc.

SEC. 4. If at such meeting a majority of such qualified electors present thereat and voting upon such proposition shall vote in favor of such loan and issuing said bonds therefor, the board of trustees of said district shall thereupon be authorized to borrow not to exceed the sum of fifty thousand dollars and to issue the bonds of said district therefor, which bonds shall be executed in such proper form and by such officers of the board as the board of trustees of said district shall direct, and the said bonds may be disposed of from time to time in such quantities as such board of trustees may deem necessary. Issue bonds,
etc.

SEC. 5. The money borrowed under the provisions of this act shall be applied as follows, viz: To refund the present bonded and floating indebtedness of said school district, to purchase site and build additional school buildings and for furnishing and equipping the same. Money, how
used.

SEC. 6. It shall be the duty of said board of trustees of school district number seven, of the township of Springwells, Tax levy.

to provide by tax upon all the taxable property in said school district, or from any fund it may have on hand not otherwise appropriated, for the payment of said sum of fifty thousand dollars, and interest, upon all bonds issued under authority of this act, and the board of trustees of said school district is hereby authorized to raise by tax in each year, in addition to all other school taxes, a sum sufficient to provide for the payment of the interest on said bonds.

Powers of,
school
district, etc.

SEC. 7. It is the intent and purpose of this act to enable and empower the said school district number seven to raise and realize the sum of fifty thousand dollars, over and above and in addition to all sums which said district may borrow and become indebted for under the general statutes of the State, relative to the indebtedness of school districts, and this act shall not be construed to limit or impair the power and authority which said school district may have under the said general statutes of the State to borrow money and become indebted therefor, and all sections of the general school law of this State inconsistent with the provisions of this act are and the same shall be inoperative as to said district, but all sections of the general school law of this State not inconsistent with the provisions of this act, are and the same shall be and remain in full force in said district.

Sections in-
operative, etc.

This act is ordered to take immediate effect.

Approved May 17, 1905.

[No. 552.]

AN ACT to amend section eleven of title two, and section fourteen of title six, and section two of title ten, of act number three hundred twenty-two of the local acts of nineteen hundred three, entitled "An act to incorporate the city of Muskegon Heights, in Muskegon county, and for that purpose to detach certain territory from Muskegon and Norton townships, in said county and attach the same to said city and to dissolve the corporation 'Village of Muskegon Heights'; and to repeal all acts and parts of acts inconsistent herewith."

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Section eleven of title two, and section fourteen of title six, and section two of title ten, of act number three hundred twenty-two of the local acts of nineteen hundred three, entitled "An act to incorporate the city of Muskegon Heights, in Muskegon county, and for that purpose to detach certain territory from Muskegon and Norton town-

ships, in said county, and attach the same to said city and to dissolve the corporation 'Village of Muskegon Heights' and to repeal all acts and parts of acts inconsistent herewith," are hereby amended so as to read as follows:

TITLE II.

SEC. 11. The inspectors shall elect one of their number chairman of said board and one of their number clerk of said board and they may appoint one other competent elector to act as clerk also of said board. Members and clerks of the board of registration and the inspectors and clerks of election shall each receive such compensation for their services as the council shall allow: Provided, That members and clerks of the board of registration shall not receive to exceed the sum of three dollars each for each registration and that inspectors and clerks of election shall not receive to exceed the sum of three dollars each for each election.

Chairman and clerk, inspectors to elect.

Compensation.

Proviso.

TITLE VI.

SEC. 14. The officers of said city shall be entitled to receive out of the city treasury the following sums which shall be full compensation for all services performed by them: The mayor and each of the aldermen shall be entitled to receive the sum of one dollar for each regular meeting attended by them. The recorder shall receive such sum as the council may allow not exceeding four hundred dollars per annum. The city treasurer shall receive such sum as the council may allow not exceeding five hundred dollars per annum. The city assessor shall receive such sum as the council may allow not exceeding three hundred dollars per annum. The city attorney shall receive such sum as the council may allow not exceeding two hundred dollars per annum: Provided, however, The council may by a two-thirds vote of all the aldermen elect employ such assistants for the city attorney as by said vote of the council may be deemed from time to time necessary. The chief of police shall receive such sum as the council may allow not exceeding seven hundred dollars per annum. The superintendent of the water department shall receive such sum as the council shall allow not exceeding three hundred dollars per annum: Provided, however, That if the same person shall be chief of police and superintendent of the water department he shall receive such sum as the council shall allow not exceeding seven hundred dollars per annum. The salary of any officer of said city shall not be decreased during the term of office for which he was appointed or elected. Nor shall the salary of any officer be increased during his term

Salary of officers.

Proviso.

Proviso.

of office except by a two-thirds vote of all the aldermen elect and then not to exceed the amounts in this charter named. In case, however, any salary shall be so increased such increase shall apply pro rata to the unexpired portion only of the term of office affected. In all cases where officers of the city receive a fixed salary as compensation for their services all fees paid to them by virtue of their office shall be accounted for by them and paid into the city treasury to the credit of the contingent fund.

TITLE X.

Board of
review.

Chairman.

Compensation.

Meetings of.

SEC. 2. The assessor of said city, the city attorney, and three tax paying electors of said city to be appointed by the council or the nomination of the mayor shall constitute a board of review of assessments. The three tax paying electors aforesaid shall severally take the constitutional oath of office. Said board of review shall organize by electing one of their number chairman. The city recorder shall be one of said board but shall have no vote. The assessor, city attorney and recorder shall serve without compensation. The three members appointed as aforesaid shall each receive as compensation three dollars per day and no more. Said board shall meet on the first Monday of June in each year at the council room and remain in session at least six hours each day for at least three days and not to exceed five consecutive days.

This act is ordered to take immediate effect.

Approved May 17, 1905.

[No. 553.]

AN ACT to authorize the board of health of the township of Oneida in the county of Eaton to acquire and enlarge burying grounds in said township and approaches thereto, and to provide the manner of acquiring private property for such purpose.

The People of the State of Michigan enact:

Board to
provide, etc.

SECTION 1. The board of health of the township of Oneida in the county of Eaton, whenever they may deem it desirable and necessary, may provide new burying grounds in said township, or may enlarge the limits of any existing burying ground, and may provide for suitable approaches thereto, or may enlarge the limits of any existing approach to any

burying ground in said township; and, in case said board of health shall be unable to agree with the owner or owners of any land or any rights therein which said board of health desire to include within the limits of such burying ground or approaches thereto, as to the compensation to be paid therefor, the said board of health may authorize one or more of its members to apply to the circuit judge or any circuit court commissioner of said county, or to any justice of the peace of said township for a jury of the vicinage to ascertain and determine the just compensation to be made for the real estate required by said board of health for said burying ground or approaches thereto, or any enlargement thereof, and the necessity for using the same; which application shall be in writing and shall describe the real estate required by such board as accurately as is required in a conveyance of real estate.

Compensation, etc.

Jury to determine.

Description of real estate.

SEC. 2. All subsequent proceedings for the condemnation of said lands shall be in accordance with the provisions of sections four thousand seven hundred thirty to four thousand seven hundred forty-two inclusive of the compiled laws of eighteen hundred ninety-seven, relative to acquiring and condemning lands for schoolhouse sites in so far as the same are applicable.

Proceedings for condemnation.

This act is ordered to take immediate effect.

Approved May 17, 1905.

[No. 554.]

AN ACT to amend section thirteen of act number three hundred forty-two of the local acts of nineteen hundred three, entitled "An act to establish a township road system in the township of Farmington, county of Oakland, and to provide for the raising of funds therefor, and the appointment and election of four township overseers of highways and to prescribe their powers and duties," as added by House enrolled act number one hundred ninety-six of the session of nineteen hundred five.

The People of the State of Michigan enact:

SECTION 1. Section thirteen of act number three hundred forty-two of the local acts of nineteen hundred three, entitled "An act to establish a township road system in the township of Farmington, county of Oakland, and to provide for the raising of funds therefor, and the appointment and election of four township overseers of highways and to prescribe their powers and duties," as added by House enrolled

Section amended.

act number one hundred ninety-six of the session of nineteen hundred five, is hereby amended so as to read as follows:

Township
board,
powers of.

SEC. 13. The township board of said township shall have power to levy and cause to be collected, in each year, a poll tax of one dollar upon every male inhabitant between the ages of twenty-one and fifty, excepting such persons as are assessed a poll tax in any incorporated village in said township and such persons as are exempted by general law from the payment of such tax. All moneys collected by virtue of this section shall be paid into the general highway fund.

Moneys
collected.

This act is ordered to take immediate effect.

Approved May 17, 1905.

[No. 555.]

AN ACT to incorporate the city of Harrisville, in the county of Alcona.

The People of the State of Michigan enact:

Territory
incorporated.

SECTION 1. The territory of the county of Alcona and State of Michigan described as follows, to-wit: Lot three and the southwest quarter of section twelve, lot one and the northwest quarter of section thirteen in township twenty-six north, of range nine east, the same being and comprising the territory forming the present village of Harrisville, is hereby incorporated as the city of Harrisville.

Wards,
description of.

SEC. 2. The city shall be divided into three wards as follows, to-wit: The first ward shall embrace all that portion lying on the north side of the center of Main street and the east side of the center of Second street, said Second street where same intersects with Church street to be considered northerly from said Church street in a direct line to the north boundary line of said city as aforesaid. The second ward shall embrace all that portion of said city lying west of the center of said Second street as aforesaid, and north of Main street. The third ward shall embrace all that portion of said city lying south of the center of Main street. The first and third wards shall be divided as aforesaid, and said dividing line shall extend eastward from where said Main street intersects with Lake street to a distance necessary to include all the accretions to said lands by the waters of Lake Huron, all slips, docks, dockages and water approaches attached to said lands, or connected therewith, and the north and south boundary line of said city shall also extend easterly a sufficient distance to include all accretions,

slips, dockages and water approaches attached to said lands or connected therewith.

SEC. 3. The said city of Harrisville shall, except as hereinafter provided, be governed and its powers and duties defined and limited by an act entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of eighteen hundred ninety-five, approved May twenty-seven, eighteen hundred ninety-five, and all acts or parts of acts amendatory thereof, which said act, as the same is now or may hereafter be amended, is hereby made and constituted a part of the charter of said city of Harrisville, except as herein otherwise provided.

City, how governed.

SEC. 4. The first election in said city shall be held on the fifth day of June, nineteen hundred five. The council of the village of Harrisville is hereby authorized to make full provision for the registration of electors and for holding the first election under this act, but five days' notice of the first registration and election under this act shall be sufficient notice.

Election, when held.

Registration, notice, etc.

SEC. 5. The election officers of said city of Harrisville shall be the same as provided in the general law of this State governing fourth class cities: Provided, That no supervisors shall be elected in said city.

Officers.

Proviso.

SEC. 6. The first registration shall be held in each ward on Saturday preceding said first election.

Registration, when held.

SEC. 7. One alderman from each ward, whose term of office shall soonest expire, shall be ex officio a member of the board of supervisors of the county of Alcona, and shall perform the duties upon said board and receive the same compensation from the county of Alcona as the other members of said board of supervisors.

Alderman, ex officio member board of supervisors.

Compensation.

SEC. 8. The board of review of said city shall consist of the assessor, city attorney and city treasurer. Said board of review shall perform the same duties and receive the same compensation as is authorized and allowed by a law for boards of review for cities of the fourth class: Provided, That said board of review shall not remain in session longer than two days.

Board of review, etc. Duties of.

Proviso.

SEC. 9. The levy and collection of taxes and assessment of taxes in said city for the year nineteen hundred five shall in no way be affected by this act.

Tax levy.

SEC. 10. The mayor and aldermen shall serve without compensation, except as otherwise provided by law.

Mayor and aldermen, compensation of.

SEC. 11. The school district in which part of said city of Harrisville is located shall not be affected or governed by the provisions of this act, but all of the laws and regulations now governing such district shall remain in full force and effect, the same as if such city had not been incorporated, and for school and district purposes the city of Harrisville shall in all respects be treated and considered as a township.

School district not affected by act.

Election of assessor.	SEC. 12. There shall be one assessor elected at the general election in April in each year.
Duties of.	SEC. 13. The assessor shall perform all the duties relative to the assessment of property and the making and completion of an assessment roll for each of the wards of said city as are authorized by the general laws of this State to be performed by supervisors. He shall have all the powers relative to the assessment of property given by law to supervisors, and shall conform to the general law in regard to the time and manner of making assessments and spreading taxes.
Compensation.	He shall receive for compensation for services as such assessor such reasonable compensation in the discharge of his duties as the city council may allow. The assessor and clerk of said city shall perform within said city such duties in the making of lists of persons to serve as petit jurors and grand jurors for each year as are now required by law of supervisors and township clerks, and supervisors and aldermen of wards of cities.
	This act is ordered to take immediate effect. Approved May 17, 1905.

[No. 550.]

AN ACT to reincorporate the city of Coldwater, and to repeal act number two hundred fifty of the laws of eighteen hundred seventy-three, entitled "An act to revise the charter of the city of Coldwater, being amendatory of an act, entitled, 'An act to incorporate the city of Coldwater,' approved February twenty-eighth, eighteen hundred sixty-one, as amended by the several acts amendatory thereof," approved April seventeenth, eighteen hundred seventy-three, as revised and amended by the several acts revisionary and amendatory thereof, and to repeal all other acts or parts of acts inconsistent with the provisions of this act.

The People of the State of Michigan enact:

CHAPTER I.

Territory
comprising.

SECTION 1. Sections fifteen, sixteen, all that portion of section seventeen, lying east of Coldwater river, all that part of the north half of section twenty lying east of the river and lake, and all of sections twenty-one and twenty-two of township six south, of range six west, being the township of Coldwater, Branch county, and all that portion of section seventeen and section twenty in the township of Coldwater, Branch county, lying west of the Coldwater river, owned and

occupied by the city of Coldwater, and known as Oak Grove Cemetery, are hereby set off from said township and declared to be a city by the name of the city of Coldwater, by which name it shall be hereafter known.

SEC. 2. The freemen of said city, from time to time being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the city of Coldwater; and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatsoever; and shall have a common seal which they may alter and change at pleasure; and by the same name shall be and are hereby made capable of purchasing and holding, conveying and disposing of, any real or personal estate for said city. Body politic, etc.

SEC. 3. The said city shall be divided into four wards, as follows: The first ward shall embrace all that portion of the city lying south of the center of Chicago street, and east of a line commencing at the intersection of the center of Chicago street with the center of Monroe street, running thence southerly in the center of Monroe street to the north line of the depot grounds of the Lake Shore and Michigan Southern Railway Company; thence westerly, following the north line of said depot grounds to the center of Clay street; thence south in the center of Clay street to the south line of section twenty-one. The second ward shall embrace all that portion of the city lying north of Chicago street and easterly of a line commencing at the intersection of the center of Chicago street with the center of Marshall street; thence north in the center of Marshall street to the intersection with the center of Grand or Battle Creek street; thence northwesterly in the center of Grand or Battle Creek street to the north line of section sixteen. The third ward shall embrace all that portion of the city lying north of the center of Chicago street and not included in the second ward. The fourth ward shall embrace all that portion of the city lying south of the center of Chicago street and not included in the first ward. Boundaries of wards, First. Second. Third. Fourth.

CHAPTER II.

SECTION 1. The common council of said city shall have power by ordinance or resolution to change, alter or determine the boundaries of any wards. If said city shall contain a population in excess of five thousand then said city may be divided into other wards with an additional ward for every two thousand inhabitants above five thousand and up to ten thousand. New ward, when created.

SEC. 2. No election of alderman or ward officers shall be held in any newly established ward or in any ward on Elections in.

Change in
ward not to
vacate office.

account of changes in the boundary thereof previous to the next annual city election, nor shall the office of any alderman or other officer elected in any ward be vacated by reason of any change in such ward, but any such alderman and other officers shall, during the remainder of his term, continue in office to represent the ward, including the place of his residence at the time of the change of the boundaries of the ward unless the office becomes vacant for some other cause.

Term of
office.

SEC. 3. When, by the creation of a new ward, two aldermen are to be elected therein at the same time, one of them shall be elected for one year and one for two years and the term of each shall be designated on the ballot.

Electors,
where to vote,
residence.

SEC. 4. The inhabitants of said city having the qualifications of electors under the constitution of the State, and no others, shall be electors therein, and every elector shall vote in the ward or election district where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward or election district in which is located his regular place of lodging.

When council
may create
voting
districts.

SEC. 5. The council of said city on having more than six hundred and fifty electors in any ward of the city, according to the poll list of the last preceding election, shall cause such ward to be divided into two or more voting districts. The manner of making such division, the creation of election inspectors and boards of registration therein, and all matters pertaining to such division and the holding of elections in such districts, not covered by the provisions of this chapter, shall be provided for by the council making such division.

REGISTRATION.

Board of.

Vacancy.

Compensation.

Proceedings
of boards as
to registration
on change of
wards, etc.

SEC. 6. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If, by reason of a change of boundary of any ward, or the formation of a new ward, or the formation of more than one election district in a ward, or other cause, there shall not be any or a sufficient number of aldermen representing such ward or residing within each election district, to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward or election district. The members composing such board of registration shall receive two dollars per day as compensation.

SEC. 7. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, or when a ward shall be divided into voting districts, the boards of registration of the respective wards or voting districts affected by the

change shall meet previous to the time prescribed by law for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward, or to a new ward, or from one voting district to another, shall be copied into the register of the ward or district to which the transfer was made, and be stricken from the register of the ward or district from which the elector was transferred by the change.

SEC. 8. When a new ward or voting district shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session two days, and notice of the formation of such ward or district, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board. Idem.

SEC. 9. Each ward, unless otherwise subdivided, shall be an election district. On the Saturday next preceding a general election, and on the Saturday next preceding the day of the regular city election, or any special election, and on such other days as shall be appointed by the council, not exceeding three days in all, previous to any such election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each person then actually residing in the ward or voting district, and who, at the then next approaching election may be a qualified elector and whose name is not already registered, to have his name entered in the register of such ward or voting district. Sessions of boards, when and where held.

SEC. 10. At least two weeks previous to the commencement of any such session of the several boards of registration, the council shall fix the place in each ward and voting district of the city where the board of registration will meet, and at least eight days before such session of the board the city clerk shall give notice by handbills posted in ten public places in each ward or voting district, and by publication in one or more newspapers printed in the city, of the time and place in each ward or voting district when and where the board of registration for such ward and voting district will meet. Except as in this act otherwise provided, the general laws of this State relating to the registration of electors in cities shall apply to the registration of electors in the city incorporated under this act. Notice of sessions.

SEC. 11. The board of registration in said city, at their session previous to the general election in November, in the Reregistration, when made, etc.

year nineteen hundred eight, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such re-registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward shall be made at the session of the board next preceding the general election every fourth year thereafter. When such new registry shall be made, the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration, unless his name shall be registered in such new register. Notice that such re-registration is required to be made, shall be given with the notice of the meeting or session of the board at which time it is to be made.

CHAPTER III.

City officers. SECTION 1. The following city officers, viz. a mayor, city clerk, city treasurer and two justices of the peace, shall be elected by the qualified voters of the whole city: Provided, That no person shall be eligible to the office of city treasurer for more than two terms in succession.

Ward officers. SEC. 2. In each ward a supervisor, two aldermen, two members of the board of education and a constable shall be elected.

Appointive. SEC. 3. The following officers shall be appointed by the mayor by and with the consent of the council, viz. a city attorney, city marshal, city engineer and city assessor when provided for, and a chief engineer of the fire department. The council may also, from time to time, provide by ordinance for the appointment of, for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act. All such appointments shall be made by the mayor by and with the consent of the council, with like power in the council to elect as above provided, and the powers and duties of such officers shall be prescribed by ordinance, but the mayor shall have no vote in the council on the question of his appointment of above named officers.

How made. Appointments when made. SEC. 4. Appointments to office, except appointments to fill vacancies shall be made on the first Monday of May in each year, and appointments which for any cause shall not be made on that day may be made by the mayor and confirmed at any subsequent regular meeting of the council:

Provido. Provided, That, if the mayor shall not, at or before the second subsequent regular meeting of the council, make the appointments to office, provided for in the preceding section, or, if any of the appointments so made shall not have received the consent of the council at or before such meeting,

then at the next subsequent regular meeting of the council, it shall be competent for the council, and they shall have authority by a two-thirds vote of all the members thereof, to elect any or all of such appointive officers as may not have been appointed and confirmed.

SEC. 5. At the first election held in said city after the passage of this act, the aldermen elected under the former charter shall continue in office for the term for which they were elected, and at such first election such number of aldermen only shall be elected as with those continuing in office as aforesaid, shall make the requisite number of aldermen as required by this act, and the terms of the aldermen as elected, as aforesaid, shall be so arranged that one alderman for each ward shall be elected annually thereafter. In said city the then existing justices shall hold their office until the fourth day of July next after such first election, and no longer, and at such first election two justices of the peace shall be elected, one for the term of two years and one for the term of four years from and after the fourth day of July next thereafter, and the term for which each is elected shall be designated upon the ballots cast for him and biennially thereafter one justice of the peace shall be elected for a term of four years.

Aldermen to
continue in
office.

Justices,
election of,
term, etc.

SEC. 6. The mayor, city clerk, city treasurer, supervisors and constables shall hold their offices for the term of one year from the second Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices.

Term of
elective
officers.

SEC. 7. All officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday of May next after such appointment and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act, or in the ordinance creating the office. Any officer elected to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred, and any officer appointed to fill a vacancy in any elective office shall hold such office until the next annual city election.

Of appointive.

SEC. 8. Justices of the peace not elected to fill vacancies shall enter upon the duties of their offices on the fourth day of July next after their election. In all other cases officers shall enter upon the duties of their offices on the second Monday of April of each year, unless herein otherwise provided for.

When to
take office.

QUALIFICATIONS, OATH AND BOND OF OFFICE.

SEC. 9. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof; and no

Qualifications
for office.

person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board or officers thereof or to any school district, county or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

Officers, to
take oath,
where filed.

SEC. 10. Justices of the peace elected in said city shall take and file an oath of office with the county clerk of the county in which the city is located within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city, shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the city clerk.

Bond of
justice, where
filed, etc.

SEC. 11. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned in the preceding section, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships; except that said official bond or security may be executed in presence of, and be approved by the mayor; and in case he shall enter upon the execution of the duties of his office before having filed his official oath and bond or security and such other bond or security to the city as may be required by law or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships; and every other officer elected or appointed in the city before entering upon the duties of his office and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

Other
officers.

Examination,
etc., of bonds.

SEC. 12. The council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and may examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him, and annexed to and filed with the bond or instrument to which it relates.

New bonds,
when required.

SEC. 13. The council may also at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the cor-

poration. Any failure to comply with such requirement shall Failure.
subject the officer to immediate removal by the council.

VACANCIES IN OFFICE.

SEC. 14. Resignation of officers shall be made to the Resignation.
council.

SEC. 15. If any officer shall cease to be a resident of the Removal
city, or if elected in and for a ward, shall remove therefrom vacates office.
during his term of office, the office shall thereby be vacated.
If any officer shall be a defaulter the office shall thereby be
vacated.

SEC. 16. If any person elected or appointed to office shall Failure to
fail to take and file the oath of office, or shall fail to give the give bond,
bond or security required for the due performance of the etc.
duties of his office, within the time herein limited therefor,
the council may declare the office vacant, unless previous
thereto he shall file the oath and give the requisite bond or
security.

SEC. 17. In case any vacancy occurs in the office of mayor, Vacancies,
or in any other elective office, except justice of the peace, how filled.
constable and school trustee, as hereinafter provided, the
council may fill such vacancy by appointment at any time
within twenty days after such vacancy occurs, or may, within
such time, call a special election for the purpose of filling
such vacancy, as they may deem for the best interest of the
city. Vacancies in the office of justice of the peace, school
trustee and constable shall be filled at the next annual elec-
tion or at a special election called for that purpose. Vacan-
cies in any appointive office shall be filled within twenty
days after such vacancy occurs, by the mayor by and with
the consent of the council.

SEC. 18. The resignation or removal of any officer shall Resignation
not, nor shall the appointment or election of another to the not to ex-
office, exonerate such officer or his sureties from any liability onerate
incurred by him or them. sureties.

SEC. 19. Whenever any officer shall resign or be removed To deliver
from office, or the term for which he shall have been elected books, etc.,
or appointed shall expire, he shall, on demand, deliver over to successor.
to his successor in office all the books, papers, moneys and
effects in his custody as such officer, and in any way apper-
taining to his office; and every person wilfully violating this Penalty.
provision shall be deemed guilty of a misdemeanor, and may
be proceeded against in the same manner as public officers
may be proceeded against for the like offense, under the gen-
eral laws of this State now or hereafter in force and applicable
thereto; and every officer appointed or elected under this act
shall be deemed an officer within the meaning and provisions
of such general laws of the State.

CHAPTER IV.

ELECTIONS.

Annual city, when held. **SECTION 1.** An annual city election shall be held on the first Monday in April in each year, at such place or places in each of the several wards of the city, as the council shall designate.

Special. **SEC. 2.** Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward thereof, at such times and place or places as the council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election.

Notice, to whom given, etc. **SEC. 3.** Whenever a special election is to be held the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

Notice, how and by whom given, etc. **SEC. 4.** Notice of the time and place or places of holding any election and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk, at least ten days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in one or more newspapers published in the city, the same length of time before the election, and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Ballot boxes. **SEC. 5.** The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Opening and closing of polls. **SEC. 6.** On the day of elections, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the council, at seven o'clock in the morning or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls, one hour, thirty minutes and fifteen minutes respectively, before the closing thereof.

SEC. 7. The supervisor and two aldermen of each ward when eligible and one elector of the ward to be appointed by the council shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards or by a change in the boundaries of existing wards or the creation of more than one election district therein, or for any reason there shall not be a sufficient number of the officers last named in any ward or district to make a board of four inspectors for each election district, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who, with the officers above named, if any, residing in the ward or election district shall constitute a board of four inspectors for the ward or district, and if at any election any of the inspectors above provided for shall not be present, or remain in attendance, the electors present may choose, viva voce, such number of electors, as with the inspector or inspectors present shall constitute a board of four in number, and such electors so chosen shall be inspectors at that election, during the continuance thereof. Each inspector of the election shall receive two dollars a day as compensation.

Board of election inspectors, who to constitute, etc.

SEC. 8. The inspectors of election in each ward or voting district shall choose one of their number chairman of the board, and shall designate one of their number to act as clerk of the election, and another of their number to act as second clerk, and each person chosen or appointed as inspector of election shall take the constitutional oath of office, which oath either of the inspectors may administer.

Chairman, clerk.

To take oath.

SEC. 9. The inspectors of election, as specified in the last two sections, shall also be inspectors of State, county and district elections in their respective wards or voting districts.

Further duties.

SEC. 10. All elections held under the provisions of this act, shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.

General election laws to govern.

SEC. 11. The council shall, at least ten days previous to any election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for said city for such election, and they shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties.

Board of election commissioners, when appointed, duties, etc.

SEC. 12. The electors shall vote by ballot. Such ballot shall be prepared and furnished by the board of election commissioners as provided by the general election laws of the

Ballots, by whom prepared, what to contain, etc.

State, and shall contain the names of all officers to be voted for, and all questions or propositions submitted to be voted upon, and all matters touching the form and contents of the ballot and the casting and canvassing of the same, and all other matters touching elections shall be governed by the general election laws of the State, when not inconsistent with the provisions of this act.

Council to determine result.

SEC. 13. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons are duly elected at the said election to the several offices respectively; and, thereupon, the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, in the county in which the city is located, and the other shall be filed in the office of the city clerk.

When clerk to make certificates.

Who deemed elected.

SEC. 14. The person receiving the greatest number of votes for any office in the city or wards, shall be deemed to have been duly elected to such office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

Then.

Clerk to notify person elected.

SEC. 15. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section thirteen, to notify each person elected, in writing, of his election; and he shall also, within five days after the appointment of any person to any office, in like manner notify such person of such appointment.

Clerk to notify council of bonds not filed.

SEC. 16. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report, in writing, to the council, the names of the persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

CHAPTER V.

DUTIES AND COMPENSATION OF OFFICERS.

MAYOR.

Duties.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the corporation, and recommend

such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city and the ordinances and regulations of the council are enforced.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct. Conservator of peace, etc.

SEC. 3. The mayor may suspend any officer appointed by him or elected by the council, at any time for neglect of duty, misconduct or other sufficient cause: Provided, That a written complaint under oath shall be preferred against said officer and filed with the city clerk. Said complaint shall be reasonably certain as to time, place and the offense, or offenses, charged therein, and a copy thereof served personally on such person or left with a person of suitable age at the last known place of residence of such suspended person, within three days after such suspension. The said officer shall have the privilege of filing answer to said complaint within five days after service of copy of said complaint as above provided. The council shall hear such complaint and defense thereto, if any, at the next regular meeting thereof: Provided, Said regular meeting shall occur within a time not less than ten and not more than fifteen days after the date of the filing of said complaint, otherwise a special meeting shall be called for the purpose of such hearing, and within the time herein limited. Should no complaint be filed within the time herein provided, or be not sustained at the hearing thereof, said officer may resume the duties of his office as if such suspension had never been made. He shall at all times have authority to examine and inspect the books, records and papers of any agent, employe or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city. May suspend officer. Proviso as to complaint. Proviso as to meeting.

SEC. 4. In the absence or disability of the mayor, or in case of any vacancy in his office, the president pro tempore of the council shall perform the duties of mayor during such absence, disability or vacancy. Who to act in absence of mayor.

ALDERMEN.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees, when thereupon appointed by the mayor or council. They shall be conservators of the peace, and as such they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. Duties, etc.

CITY CLERK.

Duties.

SEC. 6. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under seal of the city copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of a township clerk, so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

May administer oaths

Claims, duties as to.

SEC. 7. The clerk shall be the general accountant of the city; and all claims against the corporation shall be filed with him for adjustment, and, after examination thereof, he shall report the same, with all accompanying vouchers and counter claims of the city, and the true balance as found by him, to the council, for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and take proper receipts therefor, but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised or apportioned, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

To keep books, sign bonds, etc.

SEC. 8. The clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues and over all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation and all its departments, funds, resources and liabilities, with a proper classification thereof and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon keeping a separate account with each fund; when any fund has been exhausted the clerk shall immediately advise the council thereof.

SEC. 9. The clerk shall report to the council whenever required a detailed statement of the receipts, expenditures and financial condition of the city of the debts to be paid and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require. To report to council.

SEC. 10. The clerk may, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the city clerk, and may exercise all the duties thereof, subject to the control of such clerk, and such deputy shall be paid for his services by the clerk, unless otherwise provided by the council. The clerk shall be responsible for all the acts and defaults of such deputy, and he may remove such deputy at his pleasure. May appoint deputy.

CITY TREASURER.

SEC. 11. The treasurer, subject to the direction of the council, shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city: Provided, That the council by a majority vote of all the aldermen elect may designate one or more depositaries in such city in which the city treasurer shall deposit all such moneys and other property named above in his possession by virtue of his office, to be drawn therefrom only in such manner as the council shall direct, and every such depositary shall furnish a bond, as the council may require and approve, for the safe keeping and accounting of all such moneys and property thus coming into its possession. The council may at any time by a majority vote of all the aldermen elect change any depositary or depositaries. He shall receive all moneys belonging to and receivable by the corporation, and keep account of all receipts and expenditures thereof: Custody of moneys, etc. Proviso as to depositaries. Proviso. Provided, That the treasurer shall not be liable for any neglect or default by such depositary or depositaries. The treasurer shall pay no money out of the treasury except in pursuance of and by authority of law and as directed by the council. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund endorsed thereon by the clerk. The treasurer may also, May appoint deputy. subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the treasurer, subject to the control of the treasurer; and the treasurer and his bondsmen shall be liable for the acts and defaults of such deputy. Such deputy shall be paid for his services by the treasurer unless otherwise provided by the

council, and such deputy may be removed at the will of the treasurer. The city treasurer shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe, and as provided by this act.

When treasurer to report to clerk. SEC. 12. The treasurer shall render to the clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report, and the council may at any time when they shall deem it advisable cause such report to be verified by a personal examination of the books, warrants, vouchers and city

Annual report to council. moneys in the possession of the treasurer. He shall also exhibit to the council annually on the first Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the clerk and shall be published in one or more of the newspapers of the city.

To take receipts, etc. SEC. 13. The said treasurer shall take receipts and vouchers for all moneys paid from the treasury, showing the amount and fund from which payment was made, and he shall exhibit to the council such receipts or vouchers on the first Monday of March in each year, or as often as the council shall require, as provided in the next preceding section.

Treasurer of public schools. SEC. 14. The city treasurer shall be the treasurer of the school district designated in this act as the "public schools of the city," and shall have the custody of the funds belonging to and receivable by such district from all sources, for schools, library, and schoolhouse purposes. He shall receive from the county treasury, for the use of such district, all school and library moneys coming to his hands to which the district shall be entitled; and for that purpose such school district shall be considered under the laws relating to the distribution of primary school and library moneys, the same as a township. Said city treasurer shall keep an account of all the school and library moneys of the district in such manner as the board of education may require, and account therefor to said board whenever they shall direct. He shall pay out no moneys of the district except upon such warrants or vouchers as the board of education shall prescribe. Before entering upon the duties of his office, either as city treasurer or as treasurer of the public schools, the

To give bond. said treasurer shall give bond to the public schools of the

city in such sum and with such sureties as the board of education shall direct, for the due performance of the duties of his office as treasurer of such district, and shall renew such bond from time to time with further sureties as said board may require.

Sec. 15. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools, separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the council, and the council is hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

To keep moneys separate, etc.
Penalty.

CITY MARSHAL.

Sec. 16. The marshal shall be the chief of the police of the city. As police officer, he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, and such process may be served anywhere within the State.

Chief of police, duties, etc.

Sec. 17. He shall suppress all riots, disturbances, and breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. It shall be his duty to arrest all disorderly persons in the corporation. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city amounting to a breach of the peace, and forthwith take such person before the proper magistrate or court for examination or trial, and may also without process arrest and imprison persons found drunk in the streets.

Duty as to arrests, etc.

Sec. 18. The marshal shall report in writing and on oath to the council at their first meeting in each month all arrests made by him, and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city, and the amount of all fines and fees collected by him. All moneys collected or received by the marshal, except fees for his personal services, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the clerk.

To report to council.
Disposition of moneys.

Fees.

SEC. 19. The marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to, or be paid by, the city.

CITY ATTORNEY.

To prosecute offenses, etc.

SEC. 20. The attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council, and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute all offenses against the ordinances of the city.

CITY ENGINEER.

Powers and duties.

SEC. 21. The engineer shall have and exercise within the city, the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys and plats, as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council or officers of the city, relating to the public improvements, buildings, grounds and streets of the city, and all plats, maps, surveys and diagrams made by him as such surveyor shall be the property of the city, and shall be delivered by him to his successor in office.

Make plats, etc.

Improvements, etc., under supervision of.

SEC. 22. It shall be the duty of the engineer to cause to be performed, all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

To report to council.

SEC. 23. He shall make a report to the council, in writing and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath, as aforesaid.

CONSTABLES.

Powers, etc., of.

SEC. 24. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal pro-

cess, as are conferred by law upon constables, in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of ordinances of the city.

Sec. 25. The constables of the city shall obey all lawful orders of the mayor, aldermen and any justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any neglect or refusal to perform any such duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such bonds for the performance of the duties of his office, as may be required and approved by the council, and file the same with the city clerk.

To discharge
duties, etc.

Penalty.

To give
bond.

Sec. 26. The supervisors of each ward are hereby authorized and required to perform the same duties in their respective wards that the supervisors of townships under the general laws of this State are required to perform in relation to the assessing of property and levying of taxes for State, county and school purposes, and they shall also issue their warrant to the treasurer of said city for the collection of such taxes in the same manner as the supervisors of townships issue warrants to the treasurers of townships for the collection thereof, and for such services they shall receive the same fees as supervisors are entitled to. They shall also represent their several wards in the board of supervisors of the county of Branch and shall be entitled to all the rights, privileges and powers of the members of said board of supervisors.

Supervisors,
duties, etc.

Members of
board of
supervisors.

Sec. 27. The supervisors of the several wards shall, except in counties having a jury commission, select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers.

To return
lists of jurors.

JUSTICES OF THE PEACE.

Sec. 28. Justices of the peace elected in said city shall have, and exercise therein and within the county, the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try and determine all suits and prosecutions for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limita-

Jurisdiction,
powers,
duties, etc.

- Proviso.** tions prescribed in section seventeen of chapter ten of this act: Provided, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justice court in said city whenever the plaintiffs or defendants or one of the plaintiffs or defendants reside in the county of Branch.
- Proceedings, how governed.** SEC. 29. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to and be governed by the general laws applicable to justice courts and to the proceedings before such courts.
- Docket, duty as to.** SEC. 30. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city and all the proceedings and the judgment rendered in every such cause and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any such suit or proceeding.
- Examination of.** Such docket shall be submitted by the justice at all reasonable times to the examination of any person desiring to examine the same and shall be produced by the justice to the council whenever required.
- Fines, etc., to whom paid.** SEC. 31. All fines, penalties and forfeitures collected or received by any justice of the peace for, or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures and moneys collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first day of the month next after the collection or receipt thereof; and the justice shall take the receipt of the city treasurer therefor and file the same with the city clerk.
- To report to treasurer.** SEC. 32. Every such justice shall report, on oath, to the treasurer at the time of making the payments provided for in the next preceding section, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution.
- Expenses of prosecutions, by whom paid, etc.** SEC. 33. All fines recovered for the violations of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the county in which the city is located.
- To give bond, by whom approved, etc.** SEC. 34. Each justice of the peace, in addition to any other security required by law to be given for the perform-

ance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace within and for the city.

SEC. 35. Any justice of the peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly. Penalty for misconduct in office.

SEC. 36. Every justice of the peace of the city shall account on oath to the council, for all such moneys, goods, wares and property, seized or stolen property, as shall remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by law. To report to council.

SEC. 37. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution. Further powers of officers.

SEC. 38. The city marshal, clerk, treasurer, city attorney, and engineer of the fire department shall each receive such annual salary as the council shall determine by ordinance. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them shall be two dollars per day for the time actually employed. Justices of the peace, constables and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city, shall, except as herein otherwise provided, receive such compensation as the council shall determine. Salary, etc., of officers.

SEC. 39. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed when during the same time the salary or rate of compensation has been increased. Fees of justices.

CHAPTER VI.

THE CITY COUNCIL.

SECTION 1. The legislative authority of said city shall be vested in a council consisting of the mayor, two aldermen elected from each ward and the city clerk. Of whom to consist.

President.	SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote.
President pro tempore, duties.	SEC. 3. On the first Monday in May in each year, the council shall appoint one of their number president pro tempore of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions, but he shall have no casting vote in case of a tie. In the absence of the president and president pro tem. the council shall appoint one of their number to preside and for the time being he shall exercise the powers, and duties of the president.
Clerk of council, duties, etc.	SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk or his deputy the council shall appoint one of their number to perform the duties of clerk for the time being.
Aldermen to attend, when not to vote.	SEC. 5. Each alderman shall be required to attend all sessions of the council, and serve upon committees when appointed thereon. No alderman shall vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote unless excused therefrom by a vote of two-thirds of the aldermen elect.
Regular meetings, when held, etc.	SEC. 6. The council shall be judge of the election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than two of which shall be held in each month. The mayor or any three members of the council may call special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence at least six hours before the meeting.
Special, how called.	SEC. 7. All meetings and sessions of the council shall be public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and all pending business and business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting without further notice, and the members present may compel the attendance of absent members in such manner as shall be prescribed by rules or ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold or disposed of, or private property be taken for public use, unless by a concurring yea and nay vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded, at
Meetings, public. Quorum.	
Two-thirds vote to take property, etc.	

a special meeting, unless there be present as many aldermen as were present when such vote was taken.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays when required by one or more members, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative, and within ten days after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

Journal, what to contain.

Proceedings, published.

SEC. 9. The council may compel the attendance of its members and other officers of the city at its meetings in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

Compel attendance at meetings.

SEC. 10. The attorney, marshal, city engineer, and engineer of the fire department, may take part in all proceedings and deliberations of the council on all subjects relating to their respective departments subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Officers to attend.

SEC. 11. The council shall have control of the finances and of all property of the city corporation, except as may be otherwise provided by law.

Control finances, etc.

SEC. 12. Whenever by this act or any other provisions of law any power or authority is vested in, or duly imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

To enact ordinances.

SEC. 13. The council may provide for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor, subject to the approval of the council.

Standing committees, appointment, etc.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation (unless required by this act to be kept elsewhere), to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept, as to be convenient of access and inspection and all such records, books and papers shall be subject to inspection by any inhabitant of the city or other person interested therein, at all seasonable times, except such parts thereof as, in the opinion of the council, it may be neces-

Records, etc., where kept, inspection, etc.

Penalty for altering.	sary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of the same from being known, shall on conviction thereof be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.
Compensation.	SEC. 15. No member of the council shall receive any compensation for his services, either as alderman, committeeman or otherwise.
Not to be interested in contracts, etc.	SEC. 16. No member of the council or any officer of the corporation shall be interested, directly or indirectly, in the profits of any contract, job, work or service (other than official services), to be performed for the corporation, and any member of the council, or officer of said city, herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.
Penalty.	
Removals from office, how made, etc.	SEC. 17. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect; and the council may remove from office any alderman by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers other than aldermen and justices of the peace, provision shall be made, by ordinance, for preferring charges against such officers and trying the same; and no removal of an elective officer other than an alderman, shall be made except by a two-thirds vote of all the aldermen elect and unless a charge in writing is preferred, and an opportunity given to make a defense thereto.
Investigations, who to issue subpoenas, etc.	SEC. 18. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city, as [is] empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, before the council, or any committee thereof.
Who may administer oaths.	SEC. 19. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths.
Duty of council as to claims and accounts	SEC. 20. The council shall audit and allow all accounts chargeable against the city but no account or claim or con-

tract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged have been actually performed or the property delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim, and every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city for personal injuries or otherwise, that it has never been presented, certified to or verified as aforesaid, to the council for allowance; or if such claim is founded on contract that the same was presented without the affidavit or certificate as aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

CHAPTER VII.

ORDINANCES.

SECTION 1. The style of all ordinances shall be, "The city Style, etc. of Coldwater ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

SEC. 2. When, by the provisions of this act, the council of said city has authority to pass ordinances for any purpose they may prescribe fines, penalties and forfeitures not exceeding five hundred dollars (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding six months or both in the discretion of the court, together with the costs of prosecution for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of the county within which the city is located, or in such other prison or place of confinement in the State as provided by law. Such fine, penalty, forfeiture and imprisonment, for the violation of any ordinance, shall be prescribed therein. To prescribe fines, penalties, etc.

How suspended.

SEC. 3. No ordinance or resolution passed by the council shall have any force or effect, if, on the day of its passage, or on the next day thereafter the mayor, or other officer or person legally discharging the duties of mayor, shall lodge in the office of the clerk a notice, in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or other officer or person legally exercising the office of mayor, shall, within three days after the passage of such ordinance or resolution, lodge in the office of the city clerk his reasons in writing, why the same should not go into effect, the same shall not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the council, be passed by a two-thirds vote of all the aldermen elect, exclusive of the mayor or other officer or person legally exercising the duties of the office of mayor, and if so repassed shall go into effect according to the terms thereof. If such reasons shall not be lodged with the clerk as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the council shall go into operation until after the expiration of twenty-four hours after its passage, unless the said mayor, or acting mayor shall approve the same in writing.

When to take effect.

How amended.

SEC. 4. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section or part of a section of an ordinance is amended, the whole section, as amended shall be re-enacted.

Recording of.

SEC. 5. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the clerk of the council, in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

To be published.

SEC. 6. Within one week after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and the clerk shall immediately after such publication enter upon the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be prima facie evidence that legal publication of such ordinance has been made.

Judicial notice of enactment.

SEC. 7. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of said city, and in all proceedings in such city relating to or arising under the ordinances or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city. And whenever it shall become necessary to prove any of the

laws, regulations or ordinances of said city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings: First, From a record thereof kept by the city clerk; Second, From a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; Third, From any volume of ordinances purporting to have been written or printed by authority of the council.

CHAPTER VIII.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Prosecutions for violations of the ordinances shall be commenced within two years after the commission of the offense, and shall be brought within the city. Prosecutions, when commenced.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. Whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid. Penalty for violation, how recovered.

SEC. 3. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action. Actions, how commenced, etc.

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender. When execution to issue.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. Prosecutions, how commenced.

Warrant what to set forth.

Proceedings, how governed. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and in the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace.

Conviction. SEC. 6. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

Judgment, how executed. SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment without payment operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

Warrant of commitment.

City may use county jail.

SEC. 8. Said city shall be allowed the use of the jail of the county in which it is located, for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by law, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Execution of process.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace.

SEC. 10. It shall not be necessary in any suit, proceeding or prosecution, for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. It shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city, and the resolutions of the council and of the authority of the city to enact the same.

Warrants, etc.,
what to set
forth.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve, as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with all the inhabitants of the city in the result of the suit.

Trial by jury.

Selection of.

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county in which the city is located, by appeal or writ of certiorari; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and certiorari in criminal causes cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings, by certiorari, into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and certiorari in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security therein. The circuit court to which the cause shall be appealed or removed by certiorari shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

Appeal to circuit court.

Proceedings.

Fines, to
whom paid,
etc.

SEC. 13. All fines imposed for violations of ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty or any part thereof, shall pay the same into the city treasury except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same and take the treasurer's receipt for and file the same with the city clerk.

Penalty for
unlawful keep-
ing of fines.

SEC. 14. If any person who shall have received any such fine or any part thereof shall neglect to pay over the same pursuant to the foregoing provision it shall be the duty of the council to cause suit to be commenced immediately therefor in the name of the city and to prosecute the same to effect. Any person receiving any such fine who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Disposition of
fines.

SEC. 15. Fines paid into the city treasury for violations of ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Jurisdiction of
circuit court.

SEC. 16. The circuit court of the county in which the city incorporated under this act is located, shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed one hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases, shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State; and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties shall apply.

Jurisdiction of
justice of
peace.

SEC. 17. The justice of the peace of the city shall have jurisdiction in all cases mentioned in the preceding section when the fine or forfeiture imposed shall not exceed one hundred dollars, or when the offender may be imprisoned for a term not exceeding three months.

Security,
when court
may require.

SEC. 18. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to

file security for the payment of the costs of the proceedings, in case the defendant is acquitted. But he shall not be liable for the payment of the costs if the magistrate before whom the complaint is made, or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint.

CHAPTER IX.

GENERAL POWERS OF CITY CORPORATIONS.

SECTION 1. Said city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely:

Further powers.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vice, disturbances, etc.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

Vagrants.

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same;

Nuisances, etc.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance and to punish the keepers thereof;

Disorderly houses.

Fifth, To regulate or license the use of billiard tables, nine or ten-pin alleys or tables, and ball alleys;

Billiards, etc.

Sixth, To prohibit and suppress every species of gambling, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Gambling.

Seventh, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person so doing;

Drunkards, liquors.

Eighth, To regulate, restrain or prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses,

Sports, circuses, etc.

menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary or scientific subjects excepted;

Violations of Sabbath.

Ninth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day;

Auctioneers, sales, etc.

Tenth, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

Hawkers, peddlers.

Eleventh, To license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device, in or upon the streets, highways, alleys, sidewalks, or in or upon the wharves, docks, or from boats, open places or spaces, public grounds or buildings in the city;

Tugs, etc.

Twelfth, To license and regulate wharf boats, and to regulate the use of tugs and other boats used in and about the harbor, and within the jurisdiction of the city;

Ferries.

Thirteenth, To establish or authorize, license and regulate ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for the transportation of persons and property thereon;

Saloons, location, etc.

Fourteenth, To regulate and license all taverns and houses of public entertainment; all saloons, restaurants, and eating houses, and to regulate and prescribe the location of saloons; but this shall not be construed as authorizing the licensing of the sale of intoxicating liquors;

Vehicles.

Fifteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire, in the city, and regulate or fix their stands on the streets and public places, and at wharves, boat landings, railroad station grounds and other places;

Toll bridges.

Sixteenth, To regulate and license all toll bridges within the city, and to prescribe the rates and charges for passage over the same;

Inspection of provisions.

Seventeenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions;

Eighteenth, To regulate the inspection, weighing and measuring of brick, lumber, fire-wood, coal, hay and any article of merchandise; Lumber, etc.

Nineteenth, To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures by venders; Weights and measures.

Twentieth, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters; Vaults, etc.

Twenty-first, To prohibit and prevent, in the streets, or elsewhere in the city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind; Indecency.

Twenty-second, To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city; Bathing.

Twenty-third, To provide for clearing the rivers, ponds, canals and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive; Filth, etc., in streams.

Twenty-fourth, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candy factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of the city; Unwholesome places.

Twenty-fifth, To regulate the keeping, selling and using of dynamite, gunpowder, firecrackers and fireworks, and other explosive or combustible materials, and the exhibition of fireworks, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the city; Combustibles.

Twenty-sixth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; Cellars, drains.

Twenty-seventh, To prohibit, prevent, and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all other persons aiding in the management or practice thereof; Mock auctions, etc.

Twenty-eighth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing or managing the same; Lotteries.

Twenty-ninth, To license and regulate solicitors for passengers or for baggage to and from any hotel, tavern, public Cabs, solicitors, etc.

house, boat or railroad; and to provide the places where they may be admitted to solicit or receive patronage; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Paupers.

Thirtieth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon the city, and to punish therefor;

Census.

Thirty-first, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit, and to direct and regulate the same;

Dog licenses.

Thirty-second, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; and to regulate and prevent the running at large of dogs, to require them to be muzzled and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city;

**Toy pistols,
etc.**

Thirty-third, To prohibit and punish the use of toy pistols, sling shots and other dangerous toys or implements within the city;

**Hitching of
animals.**

Thirty-fourth, To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched, or held; and to regulate the placing and provide for the preservation of hitching posts;

**Numbering
of buildings.**

Thirty-fifth, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks;

**Fountains,
etc.**

Thirty-sixth, To provide for, establish, regulate and preserve public fountains and reservoirs within the city, and such troughs and basins for watering animals as they may deem proper;

**Street rail-
ways.**

Thirty-seventh, To prevent or provide for the construction and operation of street railways and to regulate the same and to determine and designate the route and grade of any street railway to be laid or constructed in said city;

**Public
library.**

Thirty-eighth, To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private beneficence as the council may deem to be for the public good;

**Transient
traders.**

Thirty-ninth, The council may also license transient traders, which shall be held to include all persons who may engage in the business of selling goods or merchandise after

the commencement of the fiscal year, and the license fee in such cases may be apportioned with relation to the part of the fiscal year which has expired, but such traders, if they continue in the same business, shall not be required to take out a second license after the commencement of the next fiscal year: Provided, Such goods or merchandise have been assessed for taxes for said fiscal year; Proviso.

Fortieth, The council shall further have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation for any purpose whatever. Further authority.
Exclusive rights.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted and may exact and require payment of such reasonable sum for any license as they may deem proper. The persons receiving the license shall, before the issuing thereof, execute a bond to the corporation, when required by the council, in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payment made for such license. Licenses, terms, conditions, etc.
May be revoked.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable, and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council. Non-transferable.

SEC. 4. All sums received for licenses granted for any purpose by the city or under its authority, shall be paid into the city treasury to the credit of the contingent fund. Fees, where paid.

SEC. 5. The council shall have authority to permit any railroad company or street railway company to lay its track, and operate its road with steam, electric or other power, in or across the streets, highways and public alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions. But such per- Authority of council relative to railroads, etc.

mission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: Provided, That no franchise for the use or occupancy of any street for any purpose shall be granted to an individual, company or corporation, except by a two-thirds vote of all the aldermen elect, nor shall any such franchise be granted for a period exceeding thirty years.

Change of grade. SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company or street railway company to raise or lower their railroad track, to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner, and with such protection to persons crossing thereat, as the council may require, and to keep them in repair; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains and street railway cars within the city; but such speed shall not be required to be less than six miles per hour; and to impose a fine of not less than five nor more than fifty dollars, upon the company, and upon any engineer or conductor, violating any ordinance regulating the speed of trains.

Ditches, culverts. SEC. 7. The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair, such ditches, drains, sewers and culverts, along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in civil action, before any court having jurisdiction of the cause.

Penalty. SEC. 8. Said city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased and disposed of as occasion may require.

City may acquire public buildings, etc.

SEC. 9. When the council shall deem it for the public interest, grounds and buildings for city prisons, workhouses and other necessary public uses, may be purchased, erected and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce, beyond the city limits, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, workhouses or hospitals.

Prisons, etc.,
outside limits.

Authority of
council.

SEC. 10. The council shall have authority to lay out, establish and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstructions, encroachments and injury, and from all nuisances.

May lay out
parks, etc.

SEC. 11. The council of said city shall have the power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the time for opening and closing of the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the venders.

Establish
markets.

SEC. 12. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other unwholesome provisions exposed for sale therein.

Regulations,
etc.

SEC. 13. The council is authorized to enact all such ordinances and by-laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, inclosures and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relative to partition fences in said city.

Partition
fences.

Fence viewers.

SEC. 14. The council may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide

Support of
poor.

Director of.

by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties and vest him with such authority as may be proper for the exercise of his duties.

CHAPTER X.

POLICE.

Council to provide.

SECTION 1. The council may provide by ordinance for a police force, and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and night-watchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity may so require.

Make rules, etc.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. The mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council shall not continue longer than three days.

Temporary police.

Chief of police.

SEC. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council.

Duty as to arrests, riots, etc.

SEC. 4. It shall be the duty of the police and night-watchmen and officers of the force under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, and laws of the State, to suppress all riots, disturbances and breaches of the peace and to pursue and arrest any person fleeing from justice in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, involving a breach of the peace, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State, and at all times diligently and faithfully to enforce all such laws, ordinances and

regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police, and every policeman and night-watchman, shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any ordinance of the city involving a breach of the peace, or of committing any crime against the laws of the State. The chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, a constable may serve. To serve process.

SEC. 5. When employed in the service of process, police-men shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each. Fees.
To report to council.

SEC. 6. The mayor may suspend or remove any policeman or night-watchman for neglect of duty, misconduct or other sufficient cause, as provided for in chapter seven, section three, of this act. Mayor may suspend.

CHAPTER XI.

CITY PRISON.

SECTION 1. The council shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein. Council to provide, etc.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe. Confinement, etc.

CHAPTER XII.

PUBLIC HEALTH.

SECTION 1. The council may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants of said city, and to prevent Duty of council relative to.

the introduction of malignant, infectious or contagious diseases within the city, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

To abate nuisances.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation or company, causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

To require unwholesome places, etc., cleaned.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the city shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended or purified; or may require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty and may require the owner or occupant of any building, fence or structure, which may be dangerous or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

Penalty for neglect to comply.

SEC. 4. If any person, corporation or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation or company. And in all cases where the city shall incur any expenses for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof as they deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

To assign places for offensive trades.

SEC. 5. The council, when they shall deem it necessary, may, from time to time, assign, by ordinance, certain places

within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned and may change or revoke such assignments at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, pest houses or quarantine buildings, either within or without the city limits, and provide for the appointment of the necessary officers, attendants or employes, for the care and management thereof, and for the care and treatment therein, of such sick and diseased persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health, persons having any malignant, infectious or contagious disease, or who have been exposed to such disease, may be removed to such hospital, pest house or quarantine buildings, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital, pest house or quarantine grounds until duly discharged.

Council may provide hospitals, etc.

SEC. 7. The council shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred seventy-one, and all amendments thereto, being chapter thirty-nine of Howell's annotated statutes of the State of Michigan, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Further powers.

SEC. 8. The council, when deemed necessary, may establish a board of health for the city and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health, or any officer thereof.

May establish a board of health.

Powers, etc.

CHAPTER XIII.

CEMETERIES.

City may
acquire, etc.

SECTION 1. Said city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials to be taken up and buried elsewhere.

May raise
money for.

SEC. 2. The council may, within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds and for the improvement, adornment, protection and care thereof.

Board of
cemetery
trustees, term,
etc.

SEC. 3. Whenever said city shall own, purchase or otherwise acquire any cemetery or cemetery grounds, the mayor, by and with the consent of the council, shall appoint three trustees who shall be freeholders and electors in the city, and who shall constitute a "Board of Cemetery Trustees." The three trustees so appointed shall hold their offices for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years, one for the term of three years, from the first Monday in May of the year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

Chairman,
clerk.

Powers of
board.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be the clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

To have care
of cemeteries.

SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named and plats thereof to be made and recorded in the

office of the city clerk. Such board shall also have power, in its discretion, to take, receive, and hold any property, real or personal, by devise or otherwise, which may be granted, transferred or devised to such board in trust for the purpose of caring for and keeping in good order and repair any given lot or lots, or portions thereof, specified in any such trust. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

May receive property.

SEC. 6. Said board shall appoint the necessary superintendents and employees for the cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

Expend money, regulate burials, etc.

SEC. 7. All moneys raised for any public cemetery authorized by this act and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Disposition of moneys.

To report to council.

SEC. 8. The council of said city, owning a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

Ordinances for protection, etc., of.

SEC. 9. The council shall have power to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof, and the appurtenances thereto.

Idem.

CHAPTER XIV.

POUNDS.

Council to
maintain.

SECTION 1. The council may provide and maintain one or more pounds within the city and may appoint poundmasters, prescribe their powers and duties, and fix their compensation; and may authorize the impounding of all beasts and fowls found in the streets or otherwise at large contrary to any ordinance of the city; and if there shall be no pound or poundmaster they may provide for the impounding of such beasts and fowls by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of poundmaster.

Poundmaster.

Fees for im-
pounding.

SEC. 2. The council may also prescribe the fees for impounding and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts or fowls impounded; and may authorize the sale of such beasts and fowls for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

CHAPTER XV.

SEWERS, DRAINS AND WATER-COURSES.

Council may
establish, etc.

SECTION 1. The council may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable such sewers and drains shall be constructed in the public streets and grounds.

Board of pub-
lic works to
control, etc.

SEC. 2. The board of public works shall have the management, supervision and control of the sewers, sewerage system and drainage of the city, and the charge of their construction, subject to the general direction and approval of the council as herein provided, and the council may, by ordinance, prescribe the powers and duties of said board, relating to all matters connected with the sewers, sewerage system and drainage of the city.

When board
to devise plan
of sewerage.

SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city or for any part thereof, it shall be their duty to instruct and direct the board of public works to devise, or cause a plan of such sewerage or drainage to be devised, for the whole city, or for such part thereof as they shall determine.

SEC. 4. Such plan shall, in the discretion of the board, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when completed, shall be submitted to the council, and when adopted by the council shall be filed in the office of the clerk of the board.

Plan, how
formed, where
filed, etc.

SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Subdivision of
main sewer
districts.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, and may direct the board of public works to prepare diagrams, or plats thereof, which, when approved by the council, shall be recorded in the office of the clerk, in the book of sewer records.

Plats, etc., of
main sewers.

SEC. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid from the general sewer fund, excepting such portion or portions thereof as the council shall deem to be of benefit to adjacent private property, which property shall be described and the benefits thereto determined, assessed and taxed in the same manner as hereinafter provided. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral, branch or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such costs and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

Costs, etc.,
how paid.

SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause the board of public works to prepare, or cause to be prepared, a diagram and plat of the whole sewer district, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer; and the depth, grade and dimensions thereof, and shall procure an

Plat and dia-
gram, what to
show, etc.

Notice, how
given, etc.

estimate of the cost thereof, and thereupon the council shall give notice, by publication, for at least two weeks, in one or more of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the board and the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

Resolution of
council to
construct.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district and describing by reference to the plat and diagram thereof, mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the city clerk, in the book of sewer records.

Plat, etc.,
where re-
corded.

Special as-
sessments, by
whom made.

SEC. 10. Special assessments for the construction of sewers shall be made by the board of special assessors in the manner provided in this act for making special assessments.

When council
to construct
district sewer.

SEC. 11. When the owner of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands included in the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

Construction
of private
drain.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon in the manner hereinafter provided for the levying and collecting of special assessments.

Expense a
lien.

May connect
drain with
sewers.

SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the board of public works shall prescribe.

Annual charge
for connec-
tions.

SEC. 14. The board of public works may charge and collect annually from persons whose premises are connected by

private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

SEC. 15. Such part of the expenses of providing ditches and improving water-courses as the council shall determine, may be defrayed by a special assessment upon the lands and premises benefited thereby, in proportion to such benefits. Expenses of ditches, etc.

SEC. 16. The expenses of repairing public sewers, ditches and water-courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof. Expenses of repairing.

SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city. Ordinances for protection of sewers, etc.

SEC. 18. If the council shall have determined to construct any main sewer in any main sewer district, or any main or trunk sewer, without reference to any sewer district, and if it shall be necessary for the city to borrow money for the payment of the amount determined by the council to be paid from the general sewer fund toward the construction of such sewer in such main sewer district, or for the payment of a trunk sewer to be constructed without reference to a sewer district, then before any further proceedings are had looking towards the construction of such sewer, the council shall cause to be made and recorded in their proceedings an estimate of the amount necessary to be borrowed for such purpose, and the question of borrowing such amount shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council as provided in this act, and shall be determined as a majority of the electors voting at such election by ballot shall decide; and if a majority of such electors shall vote for the borrowing of such amount of money, then it shall be lawful for said city to borrow such sum of money not exceeding in all three per cent of the assessed value of the property in said city as shown by the last preceding tax roll, to be used exclusively for such purpose. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this section, and to issue the bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value. Proceedings to borrow money for sewer.
Election.

...and control
...side
...and shall cause
... Said
...any person
...of any
...highway, or by
...or other circumstance
...highway.
...shall serve, or cause
...injury shall have
...the deputy
...substantially
...place, the
...of such injury
...that the person
...liable for
... The city
...or repair
...to public use
...not been actually
...as a street or alley
...nor for
...and repair of any street or alley laid out
...after such incorporation.
...have been adopted and confirmed
...passed

Sec. 2. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city whenever they shall deem the same a public improvement and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund.

Sec. 3. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and

May take private property.

Expense how paid.

Vacating, etc.

hear objections thereto; notice of such meeting with a copy of said resolution shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

Notice.
Objections,
where filed.

SEC. 4. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by the council, to be recorded in like manner; and such records shall be prima facie evidence of the existence of such streets, alleys or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground, shall also be recorded in said book of street records, and the record shall be prima facie evidence of all the matters therein set forth.

Establish
boundaries.

Surveys, etc.,
where re-
corded.

SEC. 5. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade and upon such line as shall be prescribed by the council; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

Grades, may
establish,
change, etc.

Record of.

SEC. 6. Whenever any street, alley or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

Expense of
change of
grade, how
paid.

SEC. 7. Whenever the grade of any street or sidewalk shall have been heretofore, or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such

Damages to
property own-
er, how, by
whom paid,
etc.

grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be ascertained by a jury as provided in chapter nineteen of this act, or said damages may be ascertained and agreed upon by and between such city and the owner or occupant of such premises. Whenever such damage shall be ascertained or agreed upon as heretofore provided, such damages, or such part thereof as the council shall deem equitable and just, shall be paid by the city, or the council may cause such damages, or such part thereof as may be just and proper, to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the council shall determine to assess such damages, or any part thereof, upon the property benefited, it shall determine and define a district in said city which in its judgment is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion as nearly as may be to the advantage or benefit each lot, parcel or subdivision is deemed to acquire by the improvement out of which such damages arise, but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited in the grading and improvement of streets, as provided for in this act; and all of the provisions of chapter eighteen of this act, relative to special assessments and the collection thereof, shall apply thereto. Such damages, when collected as aforesaid, and when determined upon by said city, shall be paid to the person entitled thereto.

PAVING AND IMPROVEMENTS.

Power of
council.

Paving
defined.

When owner
to lay water,
etc., connec-
tions.

SEC. 8. The council shall have power to grade, pave, plank, gravel, curb and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the city into street districts. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing. Whenever any paving has been ordered upon any street or public highway in the city, it shall be the duty of any person owning any lot or lots, lands or premises adjoining to, or abutting upon such street, before the same shall be paved, to put in and lay all such sewer, water and gas connections in front of their lands and premises, and carry the same from the pipe in such street to and beyond the curb line of such proposed pavement as the council shall determine to be necessary for the preservation of such proposed paving, when the same shall be laid and put

down, and such connection shall be laid, made and put in in the manner and at the time or times as shall be directed by the council. In case the owner of such lot or lots, lands or premises shall neglect or refuse to make, lay or put in such connections at the time or in the manner prescribed by the council, then the council shall cause the same to be made, laid or put in, and the respective owners of such lots, lands or premises shall be liable for the cost thereof, together with ten per cent in addition thereto as a penalty to be recovered by the city in an action of debt or assumpsit, or the costs together with the amount of such penalty for which such persons shall be respectively liable, the council shall cause to be reported to the board of special assessors, to be levied and assessed by them as a special tax or assessment upon such lot or lots, lands or premises, in the same manner as provided in section four, chapter seventeen of this act, in cases of special assessment for rebuilding and keeping in repair sidewalks in such city.

Penalty for neglect.

SEC. 9. Such part of the expenses of improving any street, lane or alley, by grading, paving, planking, graveling, curbing, or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund or from the street district fund of the proper street district, or in part from each; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement.

Expenses of paving, etc., how paid.

SEC. 10. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings, or other public buildings, or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as in the opinion of the council or board of assessors making a special assessment would be justly apportionable to such public grounds, buildings and city property and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund, or from the proper street district fund, or partly from each, as the council shall determine to be just and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated benefits

Expenses of paving, etc., public places, etc.

resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

STREET REGULATIONS.

Prohibit obstructions, etc.

SEC. 11. The council shall have the power to prohibit and prevent obstructions and encumbrances in, and encroachments upon the public highways, streets and alleys of the city, and to remove the same, and to punish those who shall obstruct, encumber, encroach or maintain any encroachments, upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, encumbrance and encroachment.

Trees.

SEC. 12. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp posts therein, and protect the same.

Excavations.

SEC. 13. The council may regulate the making of all openings in, and removals of, the soil of public streets, and for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings, and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Authority of council as to use of streets.

SEC. 14. The council may regulate the use of the public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements and banners, awning posts and telegraph, telephone or light poles and wires in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets; and to prohibit, prevent, remove and abate all nuis-

ances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof; and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city, as are conferred by law upon highway commissioners in townships.

CHAPTER XVII.

SIDEWALKS.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to build, maintain and keep in repair sidewalks and crosswalks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks. Council to have control of.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the council may, by a two-thirds vote of all the aldermen elect, pay such part of the expense of building or rebuilding such walk as they may deem proper from the general street fund, or from the street district fund of any street district in which such walk may be located. To require owner to build, etc.
Expense.

SEC. 3. The council shall also have power, either by ordinance or resolution, to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, encumbrances, filth and other nuisances: Provided, That the council may, by a two-thirds vote of all the aldermen elect, provide by ordinance for the rebuilding, maintaining and keeping in repair of all sidewalks within the city, and for the removing of all ice and snow therefrom, and for keeping the same free from encumbrances, and pay the expense thereof from the general street fund, or from the street district fund of any street district in which the same may be located. Removal of snow, etc.
Proviso.

Failure of
owner to
maintain, etc.

Expense.

Signs, open-
ings in walks,
etc.

SEC. 4. If the owner or occupant of any lot or premises shall fail to build, rebuild or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, encumbrances or other nuisances, or shall fail to perform any other duty required by the council or board of public works in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be built, rebuilt or repaired, and the expense, or such part thereof as the council shall have determined, shall be charged to such owner or occupant, and the council may cause the amount of such expenses incurred thereby, for which such owner or occupant shall have become liable, together with a penalty of ten per cent in addition thereto, to be reported to the board of special assessors, to be levied by them as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review, after proper notice is given as in all other cases of special assessments provided for by this act, and such tax when confirmed shall be a lien upon such lot or premises the same as other special assessments, and the council shall order the supervisors of the ward in which such lot or premises are situated, to spread said amount, together with such penalty, upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other city taxes; or the city may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same; and to prohibit and prevent obstructions, encumbrances or other nuisances upon the walks.

CHAPTER XVIII.

COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

Cost, etc.,
how paid.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor viz.: For city hall and other public buildings and offices for the use of the city officers, engine houses and structures for the fire department, for water-works, for lighting purposes, hospitals, quarantine grounds or pest-houses, market-houses and spaces,

cemeteries and parks, watch-houses, city prisons and work-houses, and public wharves and landings upon navigable waters, levees and embankments, shall be paid from the proper general funds of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

SEC. 2. There shall be a board of special assessors in said city, consisting of the city engineer and two other members, who shall be freeholders and electors in the city, to be appointed by the mayor, by and with the consent of the council. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment, who for the purposes of that assessment shall be a member of the board.

Board of special assessors, appointment, duty.

SEC. 3. When the owners of a majority of the lands liable to be assessed in any special assessment district, or part of the city which may be constituted a special assessment district, shall petition the council for any public improvement except sewers, the council shall order such improvement to be made. In other cases public improvements shall be made in the discretion of the council. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, shall be appropriated from the general funds of the city, or from street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

When improvement to be made.

Resolution of council.

SEC. 4. Before ordering any public improvements or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor no such improvement or work shall be ordered, except by the concurrence of two-thirds of the aldermen elect.

Estimates, etc., to be made.

Notice of improvement.

Cost, etc.,
what to in-
clude.
Limit of as-
sessment.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding ward tax roll; any cost exceeding that per cent which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

Special as-
sessment,
when levied.

SEC. 6. Special assessments to defray the estimated cost of any improvement, shall be levied before the making of the improvement.

Resolution of
council.

SEC. 7. When any special assessment is to be made pro rata upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed and whether according to frontage or benefits; and describe or designate the lots and premises or locality constituting the district to be assessed.

When board
to make roll.

SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment, and if the several descriptions thus to be assessed in any special assessment district shall extend into more than one ward of the city, the board of assessors shall enter the several descriptions situated in any one ward by themselves, separate from those of the others. In all cases where the ownership of any description is unknown to the board of assessors, they shall, in lieu of the name of the owner, insert the name "Unknown;" and if by mistake or otherwise, any person shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner, such assessment shall not, for any such cause, be vitiated, but shall, in all respects, be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and when the assessment roll shall have been confirmed, be a lien on such lot, parcel of land or premises, and collected as in other cases.

In case owner
unknown.

Assessment,
how made.

SEC. 9. If the assessment is required to be according to frontage, the board of assessors shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots

to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When the board shall have completed the assessment they shall report the same to the council; such report to be signed by at least two of the assessors, may be in the form of a certificate, indorsed on the assessment roll, as follows:

Report to
council.

State of Michigan,
City of Coldwater,—ss.

Form.

To the council of the city of Coldwater:

We hereby certify and report that the foregoing is the special assessment roll, and the assessment made by us pursuant to a resolution of the council of said city, adopted (give date), for the purpose of paying that part of the cost which the council decided should be paid and borne by special assessment for the (here insert the object of the assessment); that in making such assessment we have, as near as may be, and according to our best judgment, conformed in all things to the directions contained in the resolution of the council hereinbefore referred to, and the charter of the city relating to such assessments.

Dated.....

.....,
.....,
.....,

Board of Assessors.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the council in such manner as they shall prescribe. And the provisions of the preceding sections of this chapter with reference to special assessments generally, and the proceedings necessary to be had before making the improvement shall not apply to assessments to cover the expenses incurred, in

In case of
single lot, etc.

respect to that class of improvements contemplated in this section.

Council to determine amount to be charged.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith, respectively, to be reported by the city clerk to the board of assessors for assessment.

Assessors to make roll.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein, upon each lot or parcel of land so reported to them, and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid, to be levied upon each of such lots or premises respectively and when completed they shall report the assessment to the council; and all the several assessments in each ward shall be kept separate the same as is required in section eight of this chapter.

Assessment, where filed, etc.

Notice.

Objections.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the city clerk and (number) numbered consecutively. Before adopting such assessment, the council shall cause notice to be published two weeks at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review said assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll, and to all others interested therein, and may be in the following form:

Notice of Special Assessment.

Form.

To (insert the names of the persons against whom the assessment appears), and to all other persons interested, take notice: That the roll of the special assessment heretofore made by the board of assessors for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given that the council and board of assessors of the city of Coldwater will meet at the council room in said city on (insert the date fixed upon) to

review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Dated
, City Clerk.

SEC. 14. At the time and place appointed for the purpose, as aforesaid, the council and board of assessors shall meet and there, or at some adjourned meeting, review the assessment and shall hear any objections to any assessment which may be made by any person deeming himself aggrieved thereby, and the council may correct said roll as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected; or they may refer the assessment back to the board for revision; or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall make an endorsement upon the roll showing the date of confirmation. Assessment, council to review. Confirmation of.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive. When to be final.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be charged against the person to whom assessed until paid. To constitute lien.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the council shall determine, with annual interest at a rate not exceeding six per cent per annum, but the whole assessment after confirmation may be paid to the city treasurer at any time in full, with the proportionate interest thereon. Installments, interest, etc.

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation. Assessments, when due, etc.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed. Special roll for each installment.

SEC. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all Division of lands, etc.

assessments thereafter made upon such lots or lands shall be according to such division.

Insufficiency
of assessment.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional pro rata assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

When new
assessment
may be made.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.

Lien not to be
impaired.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon.

Clerk to report
to supervisors.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of each ward in which any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and direct said supervisor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in such ward tax roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said ward tax roll shall be collected and enforced with the other taxes in the ward tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the city treasury.

Duty of
supervisors.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be reported to the supervisor of the ward, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person and return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant.

When assessment may be collected from special roll.

Warrant of city clerk.

SEC. 26. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Treasurer to collect.

Refusal to pay.

SEC. 27. The treasurer shall make return of said assessment roll and warrant to the city clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Treasurer to return roll, etc., to clerk.

SEC. 28. Said warrant may be renewed from time to time by the city clerk if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the city treasurer unpaid, as aforesaid, the same may be certified to the supervisor of the proper ward in the manner provided in section twenty-four of this chapter, and shall then be reassessed with interest included at the rate of ten per cent per annum from the date of the

Renewal of warrant.

Reassessment.

confirmation of the assessment until the first day of July next, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Action for
collection of
assessment.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Evidence of
regularity.

Irregularities
not to impair
assessment.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informalities, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

CHAPTER XIX.

APPROPRIATION OF PRIVATE PROPERTY.

Purposes for
which prop-
erty may be
taken.

SECTION 1. Private property may be appropriated for public use in said city for the purpose of opening, widening, altering or extending streets, alleys and avenues, for the construction of bridges, for public buildings and for other public structures for public grounds, parks, market places and spaces for public wharves, docks, slips, basins and landings on navigable waters, and for the improvement of water-courses for sewers, drains and ditches, for public hospitals, pest-houses, quarantine grounds and public cemeteries, and for other lawful and necessary public uses.

General laws
may govern.

SEC. 2. If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city either in the manner, and with like effect as provided by the general laws of this State relating to the taking of private property for public use in cities and villages, or by instituting and prosecuting the proceedings for that purpose as hereinafter set forth.

Resolution to
take property.

SEC. 3. Whenever the council shall have declared a public improvement to be necessary in the municipality, and shall have declared that they deem it necessary to take private property, describing it, for such public improvement,

designating it, and that the improvement is for the use or benefit of the public, they shall, by resolution, direct the city attorney to institute the necessary proceedings in behalf of the municipality, before the probate court as they may designate, to carry out the object of the resolution in regard to taking private property by the city for such public use.

SEC. 4. The city clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file with such probate court, in the name of the city, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the council shall be annexed, which certified copy shall be prima facie evidence of the action taken by the council, and of the passage of the said resolution. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it for a just compensation to be made. A description of the property to be taken shall be given and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the council has declared such public improvement to be necessary and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take, for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things and may pray for any other or further relief to which the municipality may be entitled within the objects of this chapter.

Petition filed
with probate
court.

What to state.

Impanel jury.

SEC. 5. Upon receiving such petition it shall be the duty of the said probate court to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said probate court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Court to issue
summons.

Serving of
summons.

SEC. 6. Said summons shall be served by the city marshal, any member of the police force or any constable of the city, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian, the probate court may appoint some discreet and proper person to be guardian ad litem of such person in such proceedings, and such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents whenever found, if practicable at least six days before the time named in the order for appearance, or the court may make such order for appearance and require, as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued, and the probate court may adjourn the proceedings from time to time as there shall be occasion, and as in other civil cases. Service of such order for appearance in either mode described shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for appearance, if any, shall be filed with such probate court before a jury shall be impaneled, and be sufficient evidence of service on the respondents and of the manner of service.

Order of ap-
pearance on
persons not
receiving
summons.

Alias and
pluries.

Impaneling
of jury.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the probate court shall make an order that a jury be impaneled

in the case. Such jury shall be composed of twelve freeholders of the municipality and shall be selected and impaneled as follows: The city marshal or any constable or any member of the police force of said city shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, and the city attorney and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and, subject to objection for cause; the twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at not less than three nor more than ten days from the date of selecting such jury, by a venire issued by him and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the probate judge, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications, may be summoned as jurors in the case by such officer, and the practice and proceedings under this chapter, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justice courts relative to jurors in civil cases in such courts.

SEC. 8. The jurors so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement and to take said property that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to law and the evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to the property proposed to be taken and examine the premises. They shall be instructed as to their duties and the law of the case by the probate judge, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by all jurors.

Oath of
jurors.

Jury to hear
proofs, etc.

Instructions
to.

Verdict, what to determine.

SEC. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists they shall separately award to the owners of such property, and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

In case of lease, etc.

Jury may have petition, etc.

SEC. 10. To assist the jury in arriving at their verdict, the probate court may allow the jury, when they retire, to take with them the petition filed in the case, and a map showing the location of the proposed improvement and of each and all parcels of property to be taken, and may also submit to them a blank verdict which may be as follows:

PART I.

Form of verdict.

We find that it is necessary to take the private property described in the petition in this cause, for the use and benefit of the public, for the proposed public improvement.

PART II.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants, and others interested in each parcel.	Compensation.	To whom payable.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the probate court, before it is submitted to the jury, or it may be done by the jury.

Amendments allowed.

SEC. 11. Amendments either in form or substance may be allowed in any paper, petition, process, record or proceedings, or in the description of property proposed to be taken,

or the name of any person, whether contained in a resolution passed by the council, or otherwise, whenever the amendments will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

SEC. 12. Upon filing the report and award made by any jury, with said probate court, he shall enter it upon the docket of his proceedings, and a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the probate court, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time hereinafter provided.

Entering of
report.

Judgment of
confirmation.

SEC. 13. If such jury should be unable to agree upon a verdict, or for any cause should fail to render a verdict, said probate court shall, on the application of the city attorney, designate some day and hour when another jury may be empaneled; and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualification, be sworn, and when sworn, have the same powers and duties as the first jury. The same proceedings, after they are sworn, shall be had by them, and by and before said probate court as provided for above after the first jury is sworn.

In case of
disagreement,
etc., new jury
may be em-
paneled.

SEC. 14. If any juror, after being sworn, and before the hearing shall have been commenced, shall die, or from sickness or any other cause, be unable to discharge his duties as a juror, said probate court may cause to be drawn another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties as those already sworn.

Disability, &
etc., of juror.

SEC. 15. Any party aggrieved by the judgment of confirmation hereinbefore mentioned may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the probate court a claim of appeal, in writing, under oath, in which he shall set forth a description of the land in which he claims an interest and a statement that he considers himself aggrieved by the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the probate court a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said probate court, conditioned that

Aggrieved
party may
appeal.

To file bond.

he will prosecute his appeal to effect, and pay costs that may be awarded against him in the circuit court and paying to the probate court the sum of three dollars for making his return to the appeal.

Return to appeal, what to set forth, etc.

SEC. 16. Within ten days after taking such appeal said probate court shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and file the same with the clerk of such circuit court.

Circuit court to have jurisdiction, etc.

SEC. 17. Upon filing the return to the probate court as mentioned in the preceding section, the circuit court shall have jurisdiction of the case. The parties may proceed to trial by jury without reference to any term of court upon the question as to the amount of damages to be awarded; but the finding of the jury before the probate court as to the necessity of taking the land shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein, who do not appeal.

New jury, how composed, impaneling, etc.

SEC. 18. The circuit judge shall make an order that a jury be empaneled in the case. Such jury shall be composed of twelve freeholders of the municipality, or vicinity, and shall be selected and empaneled as follows: The city marshal or any member of the police force of such city, shall on the same day or at an adjourned day, make a list of twenty-four resident freeholders of said city or vicinity, and the city attorney and the respondents collectively shall each have the right to strike six names from the list of persons written down, as aforesaid, and subject to objection for cause; the twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at not less than three nor more than ten days from the date of selecting such jury, by a venire issued by him to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from the list, it shall be done by the circuit judge, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this chapter, except as herein otherwise provided relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as practice and proceedings of circuit courts relative to jurors in cases in such courts.

Oath.

SEC. 19. The jurors so impaneled shall be sworn or shall

affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain, determine and award the just compensation to be made for the taking for the use or benefit of the public the private property which the petition describes, and that you will faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to the law and the evidence, so help you God (or the pains and penalties of perjury)."

The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to the property taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the circuit judge, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and shall be signed by all jurors.

Jury to hear proofs, etc.

SEC. 20. The jury shall in their verdict separately award to the owners of such property, and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

Verdict.

In case of lease, etc.

SEC. 21. To assist the jury in arriving at their verdict, the circuit judge may allow the jury, when they retire, to take with them the petition filed in the case, and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken and may also submit to them a blank verdict which may be as follows:

Jury may have map, etc.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Form of verdict.

Description of each of the several parcels of private property to be taken.	Owners, occupants, and others interested in each parcel.	Compensation.	To whom payable.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the circuit judge, before it is submitted to the jury, or it may be done by the jury.

Court to confirm proceedings.

Costs, by whom paid.

Clerk to keep record of proceedings, etc.

Collections, when made.

Amount, how assessed.

Evidence of regularity.

SEC. 22. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and rights of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least fifty dollars more than the amount awarded to him before the probate court, he shall pay costs to the city; otherwise the court shall award such costs to him or to the city, as shall be just.

SEC. 23. It shall be the duty of the city clerk to procure copies of any judgment of confirmation of the circuit court or of the probate court after the same has become final, as well as of the report and findings of the jury, and the same shall be recorded in a book of records to be kept by him, and the docket of such probate court, or the judgment of said court, as well as the book of records of such proceedings kept by said clerk, or certified copies thereof, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

SEC. 24. When the verdict of the jury shall have been finally confirmed by the probate court and the time in which to take an appeal has expired, or, if an appeal is taken and the judgment has been confirmed, thereupon, the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the council believe that a portion of the city in the vicinity of the proposed improvement, will be benefited by such improvement, they may, by an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall, by resolution, fix and determine the district or portion of the city benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel, or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in this act for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessment when ratified and confirmed by the council, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall

not be raised in the manner herein provided shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof delinquent for non-payment of the amount assessed and levied thereon, the city may become a purchaser.

Sec. 25. Within one year after the confirmation of the verdict of the jury or after the judgment of confirmation shall on appeal be confirmed, the council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall, in the resolution setting apart and providing said sum, if not already provided, direct the city to pay the persons respectively entitled to the moneys so set apart and provided, to each, his or her portion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever.

Judgment,
when paid,
etc.

Duty of
treasurer.

The council may provide the necessary amount by borrowing from any other money or fund in the treasury and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case giving the title of the case; he shall cause one of the certificates to be filed in the office of the probate court before whom such proceedings were had, or his successor, or in case an appeal has been had, then in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk, which certificate shall be prima facie evidence of the matters therein stated.

To sign duplicate certificates, where filed, etc.

Whenever the amount of such compensation is in the treasury and thus secured to be paid, the council may enter upon and take possession of and use such private property for the purposes for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the council or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the council, by the city attorney, may apply to the court, and shall be entitled, on

When council may take possession.

Writ of assistance.

making a sufficient showing to a writ of assistance to put them in possession of the property.

Fees of jurors,
etc.

SEC. 26. Officers, jurors and witnesses in any proceedings under this chapter shall be entitled to receive the same fees and compensation as are provided by law for similar services in an ordinary action at law in the probate courts of this State, and in cases of appeals the same fees and compensation as are provided by law for similar services in circuit courts.

Evidence of
ownership.

SEC. 27. It shall be prima facie evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles of his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be prima facie evidence as to ownership, and persons having an interest in any such property, and the extent and nature of such interest.

Disposition of
buildings.

SEC. 28. In case there is on the private property taken a building or other structure, the same shall be sold by or under direction of the council; the amount produced by this sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment made to pay for the property taken.

Act not to
prevent pur-
chase, etc.

SEC. 29. Nothing in this chapter contained shall prevent said city from obtaining private property for any of the public uses herein specified by negotiation and purchase.

CHAPTER XX.

WATER-WORKS.

City to main-
tain, etc.

SECTION 1. Said city shall have authority to purchase or construct new and to maintain and extend existing water-works for the introduction of water into such city, and supplying the same and the inhabitants thereof with pure and wholesome water for the ordinary and extraordinary uses of the inhabitants thereof, the extinguishment of fires and for such other purposes as the council may prescribe.

Power as to
reservoirs,
grounds, etc.

SEC. 2. Said city may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase, appropriate and own such

grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction and maintenance of such water-works.

SEC. 3. It shall be lawful for said city, subject to the provisions of this act, to borrow any sum of money not exceeding five per cent of the assessed value of the property in said city, as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing or extending water-works, as provided in the two preceding sections. The council shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: May borrow money. Provided, That the total amount expended for constructing, purchasing, or extending such water-works shall not exceed the estimate of expense provided for in section four of this chapter. Proviso.

SEC. 4. Before any money shall be borrowed, appropriated, raised or expended for the purchase, construction or extension of water-works in said city, the council shall direct the board of public works to cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide: Board of public works to make estimate, etc. Provided, however, That after water-works have been purchased or constructed by said city the council may then raise and expend, in making repairs or alterations, or in extending such works, such sum as they may see fit, without submitting the question to the electors of the city, but the sum to be raised for such purpose shall be included in and shall not increase the total amount which, by the provisions of section five, chapter twenty-four of this act the council is authorized to raise. Election.

SEC. 5. The connecting or supplying pipes leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the board of public works. All such connecting or supplying pipes shall be constructed and connected in the manner prescribed by such board. Proviso as to repairs.

SEC. 6. The board of public works shall annually, on or before the first Monday in June, establish a scale of rates to be charged and paid for supply of water for the year next ensuing, to be called water rates, which rates shall be approved by the council and shall be appropriate to different Duty of owner as to connections, etc.

classes of buildings in the city, with reference to their dimensions, value, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns, and all other buildings, establishments and trades, yards, number of families or occupants or consumption of water, as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rates.

Ordinances for care, etc., of water works.

SEC. 7. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the water-works and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter and the powers herein conferred in respect to the construction, management and control of such water-works.

May maintain outside limits.

SEC. 8. When the council shall deem it for the public interest, such water-works may be purchased, or may be constructed and maintained beyond the corporate limits of the city; and in such case the council shall have authority to enforce beyond the corporate limits of the city, within the county or counties in which such city is situated, and over the buildings, machinery and other property belonging to and connected with such water-works, in the same manner and to the same extent as if they, or it, were within the city, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

City may use streets.

SEC. 9. For the purpose of operating, constructing, maintaining or extending such water-works, the city shall have the right to lay conduits, pipes, aqueducts or other necessary works over or under any water-course or under and along any street, alley, lane, turnpike, road, railroad or highway within such city, but not in such manner as to obstruct the same or impede or prevent travel thereon; and the city authorities may at all times enter upon and dig up such street, alley, road or highway to lay pipes thereon, or to construct works beneath the surface thereof, but they shall cause the surface of such street, alley, road or highway to be relaid and restored to its usual state, and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

Obstructions.

How may acquire private property.

SEC. 10. If it shall be necessary, in the judgment of the council, to appropriate private property either within or without the city for the construction and maintenance or for the due operation of water-works, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

SEC. 11. The council may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of such city and the inhabitants thereof with water upon such terms and conditions as may be agreed, and may grant to such person, persons or corporation, the right to the use of the streets, alleys, wharves and public grounds of such city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supply of water for the use of such city and the inhabitants thereof upon such terms and conditions as shall be specified in such contracts.

Council may contract for water supply.

CHAPTER XXI.

LIGHTING.

SECTION 1. It shall be lawful for said city under the provisions of this act to acquire by purchase or to construct, operate and maintain, either independently or in connection with the water-works of said city, either within or without the city, works for the purpose of supplying said city and the inhabitants thereof, or either, with gas, electric or other lights at such times and on such terms and conditions as hereinafter provided.

City may construct, etc., plant.

SEC. 2. Whenever the council of said city shall, by resolution, declare that it is expedient for said city to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying said city and the inhabitants thereof, or either, with gas, electric or other lights, then the council shall have power to take such action as shall be deemed expedient to accomplish such purpose.

Resolution of council.

SEC. 3. In case the council shall declare that it is expedient for said city to acquire by purchase or to construct, as the case may be, works for the purpose of supplying said city and the inhabitants thereof, or either, with electric or other lights, then the council shall direct the board of public works to cause to be made and recorded in their proceedings an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide.

Board of public works to make estimate.

To be submitted to electors.

SEC. 4. It shall be lawful for said city to borrow any sum of money not exceeding five per cent of the assessed value of the property in said city as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining such lighting works as provided in the preceding sections of this chapter. The council

City may borrow money.

Payment.

shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: Provided, That the total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expense thereof provided for in section three of this chapter.

Proviso as to amount.

Repairs, money for.

SEC. 5. After lighting works have been purchased or constructed as aforesaid, in said city, the council may then raise and expend in making repairs or alterations, or in extending such works, such sum as it may deem advisable without submitting the question to the electors of the city; but the sum to be so raised in any one year shall be included in and shall not increase the total amount which by the provisions of section five of chapter twenty-four of this act the council is authorized to raise.

Lighting rates.

SEC. 6. The board of public works, subject to the approval of the council, shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of said city with lights, and shall annually on the first Monday in June fix such rates for the year next ensuing.

How may acquire private property.

SEC. 7. If it shall be necessary in the judgment of the council to appropriate private property either within or without the city for the construction and maintenance or for the due operation of lighting works the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

Council may contract for lighting.

SEC. 8. The council may contract from year to year, or for a period of time not exceeding ten years with any person or persons, or with any duly authorized corporation, for the supplying of said city or the inhabitants thereof, or both, with gas, electric or other lights upon such terms and conditions as may be agreed; and may grant to such person, persons or corporation the right to the use of the streets, alleys, wharves and public grounds of such city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such light upon such terms and conditions as shall be specified in such contract.

Ordinances for care, etc., of lighting works.

SEC. 9. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the erection, purchase, management and control of such works.

CHAPTER XXII.

BOARD OF PUBLIC WORKS.

SECTION 1. There shall be created and constituted in said city, a board of public works composed of five members who shall be freeholders and electors of the city, and shall serve without compensation. Such board shall, as near as may be, be non-partisan, no more than three members to be appointed from one political party, and shall be appointed by the mayor, by and with the consent of the council. One member shall be appointed for the term of one year, one member for the term of two years, one member for the term of three years, one member for the term of four years, and one member for the term of five years from the first Monday of May next thereafter, and on the first Monday of May of each year thereafter one member shall be appointed for the term of five years unless otherwise provided in this act. Appointment, term, etc.

SEC. 2. Said board shall, within ten days after their first appointment and annually thereafter during the month of May, organize and elect one of their number president. A majority of the board shall constitute a quorum for the transaction of business. The city clerk shall be ex officio clerk of said board, but shall have no vote therein. It shall be his duty to perform all the clerical labor required by said board, and he shall have charge of all its books, records, accounts and papers. To elect president. Quorum. Clerk, duties.

SEC. 3. The said board of public works, subject to the direction of the council, is hereby charged and entrusted with the following duties, powers and responsibilities: Powers, etc., of board.

First, The construction, management, supervision and control of such water-works as are or shall be owned by the city; Care of water works.

Second, The construction, management, supervision and control of such electric or other lighting plants as are or shall be owned by the city; Lighting plants.

Third, The management and supervision of the sewers, sewerage system and drainage of such city, and of the construction thereof; Sewers, etc.

Fourth, Such other public improvements or works as the common council may, by ordinance, place under their management, supervision and control. Other works

SEC. 4. The said board shall have power to make and adopt all such by-laws, rules and regulations as they may deem necessary and expedient for the transaction of their business, not inconsistent with the ordinances of the city or the provisions of this act. Make rules, etc.

SEC. 5. Whenever the expense of constructing or repairing any public work placed under the control of the board of public works, shall not exceed the sum of two hundred When board may construct, etc.

dollars, the work shall be constructed by such board in such manner as they may deem proper, but whenever such expense shall exceed the sum of two hundred dollars, then the said board shall submit the plans, diagrams, profiles and estimates thereof to the council for their approval, and when so approved the board shall, subject to the approval of the common council, cause such work to be done by contract or otherwise in such manner as they may deem proper: **Provided**, That if such board shall determine to have such work done by contract then if the expense shall exceed the sum of five hundred dollars, the board shall advertise for sealed proposals and shall give such notice as the council may direct, and shall let the contract to the lowest responsible bidder who shall be deemed competent to do the work and give adequate security for the performance thereof, which contract and security shall be approved by the common council.

SEC. 6. All work done under the supervision of said board shall be reported to the council from time to time, and no money shall be paid out of the treasury on account of any work so done until the council shall have authorized the same and ordered the same paid by warrant drawn on the city treasurer, and all claims or accounts against the city that in any manner relate to the works in charge of such board or that have been incurred by such board shall first be submitted to and approved by the said board of public works before the council shall be authorized to order such warrant drawn. It shall be the duty of the board to make an annual report to the council on the third Monday in April of each year, which report shall embrace an itemized statement of the revenues and the expenditures relating to or connected with each of the works under their control, keeping a separate account of each fund, and a statement of the condition, progress and operation of said works. They shall also make such other reports and furnish such other information to the council as that body shall by resolution or ordinance provide.

SEC. 7. On or before the first Monday of May in each year, the board of public works shall submit to the common council careful estimates in detail of the amount of money, which, according to the judgment of the board, will be needed for the water-works fund, the light fund and the sewer fund during the ensuing year, which estimates may be increased, modified or adopted by the said common council as in its judgment may seem justifiable.

SEC. 8. The board of public works shall, on the first Monday of each month, pay into the city treasury to the credit of the water, light, sewer or other fund, as the case may be, all moneys received by them and belonging to any such fund, and shall file a detailed statement thereof, together with the receipt of the treasurer attached thereto,

with the city clerk, who shall report the filing of such statement and receipt to the council.

SEC. 9. The board of public works may provide when and to whom all water and light rates, and other moneys collectible by them shall be paid, and when steps shall be taken to enforce payment thereof, and may provide in case of non-payment that such water, light or sewerage connection be shut off or stopped as to any person neglecting or refusing to make such payment; and may also collect the same in an action of assumpsit on the common counts in any court of competent jurisdiction. Water and light rates, payment of.

SEC. 10. The board of public works is hereby empowered, subject to the approval of the council, to employ all necessary officers, agents and employes that they may deem necessary, to operate, carry on and improve all the public works and duties placed under their care and supervision, and subject to the approval of the council, to fix the salaries and compensation of such employes. Relative to employes, etc.

SEC. 11. The council, upon petition to them of one hundred or more freeholders of said city, praying that an election of the qualified voters of said city be called to determine whether the board of public works in said city shall be abolished, shall, by resolution, submit the question of abolishing such board of public works to the qualified electors of said city at the city election held in the month of April next following. The board of public works in said city shall not be abolished unless two-thirds of the electors voting on such proposition shall by ballot so determine. When board may be abolished.

SEC. 12. If at any such election two-thirds of the electors voting thereon shall vote to abolish the board of public works in said city, then such board of public works shall be abolished, and all the powers, rights and privileges now exercised by or vested in said board of public works, as well as all duties and obligations imposed upon such board of public works by this act, shall be vested in, exercised and assumed by the council of said city; the board of public works in said city in all things appertaining to them as such board, shall be superseded by the council, and the council may appoint a committee of its own members more particularly to perform these duties, always under the direction of the council and subject to such rules and regulations as the council may determine. When powers, etc., of board, vested in council.

SEC. 13. If the board of public works has been abolished, as above provided, the council, on petition to them of one hundred freeholders of said city, praying for the re-establishment of the board of public works therein, shall by resolution, submit to the qualified electors of said city at the city election held in the month of April next following the proposition to re-establish such board of public works. If two-thirds of the electors voting on such proposition vote in favor of such board of public works, then such board of Re-establishment of board.

public works shall thereafter be re-established in said city and shall be constituted and selected in the same way and have the same qualifications, powers and duties provided for boards of public works, in this act.

Elections,
when held.

SEC. 14. An election under the provisions of this chapter cannot be held oftener than once in two years, and notice of such election shall be given in the same manner and for the same length of time as is provided in the charter of said city for the calling of special elections, and the vote shall be counted and canvassed and the return shall be made, and the result declared and determined in the same manner as is provided in such charter for the counting, canvassing and returning of votes, and the determining of the result thereof at special elections, and the propositions submitted shall be in the following language:

Form of
ballot.

For the board of public works—Yes. ()

For the board of public works—No. ()

CHAPTER XXIII.

FIRE DEPARTMENT.

Council may
establish, etc.

SECTION 1. The council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employes, firemen and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department; and prescribing the powers and duties of such employes, firemen and officers.

Apparatus,
water supply.

SEC. 2. The council may purchase and provide suitable fire engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

Erect build-
ings, etc.

SEC. 3. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department.

Chief, duties.

SEC. 4. The engineer of the fire department shall be the chief of the department, and, subject to the direction of the mayor, shall have the supervision and direction of the department and the care and management of the fire engines,

apparatus and property, subject to such rules and regulations as the council may prescribe. And the council may appoint such assistant engineers and other officers of the department as may be necessary. Assistants.

SEC. 5. The chief of the fire department, or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of any such officer he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment in the discretion of the court. Aid at fires. Refusal.

SEC. 6. The council may provide by ordinance for the appointment of, and may appoint, such number of fire wardens as may be deemed necessary; and for the examination by them, from time to time of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings and structures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition. Fire wardens, appointment, duties.

SEC. 7. The council may prescribe by ordinance, from time to time, limits of districts within the city, within which wooden buildings and structures shall not be erected, placed, enlarged or repaired; and to direct the manner of constructing buildings within such districts, with respect to protection against fire and the material of which the outer walls and roof shall be constructed. The council may provide by ordinance for proper fire escapes on buildings and compel the owners or occupants thereof to construct and maintain the same. Fire limits. Fire escapes.

SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances and the use of lights in buildings; and generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires. Regulation of trades, explosives, etc.

SEC. 9. Every building or structure which may be erected, placed, enlarged, repaired or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council. When building declared nuisance.

SEC. 10. The officers, firemen and employes of the depart- Compensation.

Injury. ment shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

When building may be pulled down. SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire. Whenever any building is so pulled down or destroyed, any person having an interest in such building may present his claim for damages to the council of such city, and it shall thereupon be the duty of the council to pay such claimant such damages as may be just under all the circumstances, taking into consideration the fact whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed, and whether the same was insured or not. If the council and such claimant shall not be able to agree upon the amount of damages to be paid such claimant, then the amount of such damages shall be ascertained by the appraisal of a jury, to be selected in the same manner as in cases of juries to appraise damages for taking private property for public use. Such jury may visit the premises and hear all the proofs in the case, and shall allow such claimant such amount of damages as they may deem proper under all the circumstances, as above stated. If such jury shall not be able to agree, a new jury shall be impaneled as above provided, until a jury has been obtained that shall agree; and the city shall pay such claimant the amount of damages fixed by such jury. There shall be no appeal from the verdict of such jury, either by the city or any claimant.

Damages, how paid.

Ordinances to prevent fires in harbors, etc.

SEC. 12. The council may, by ordinance, prescribe such regulations to be observed by owners, masters and employes of steamboats and water craft as may be necessary for the prevention of fires in the harbor, and to prevent the communication of fire from such boats and craft; and may prescribe in such ordinances the manner of collecting any penalties imposed thereby.

CHAPTER XXIV.

FINANCE AND TAXATION.

Fiscal year.

SECTION 1. The fiscal year of said city shall commence on the first Monday of April of each year.

Authority of council.

SEC. 2. The council of said city shall have authority within the limitations herein prescribed, to raise annually by taxation within the corporation such sum of money as

may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this act granted. The taxes in said city shall be levied and collected in two installments, one of which installments shall be for the general taxes and which shall be assessed, levied and payable as provided in the general tax law of this State, where not inconsistent with the provisions of this act. The other installment of which shall be for city taxes and shall be payable on the first day of July in each year, and shall be assessed, levied and collected as in this act hereinafter provided.

Taxes, how
levied, etc.

SEC. 3. The revenues raised by general tax upon all the property in the city or by loan to be repaid by such tax for all city purposes, shall be divided into such and so many general funds as the common council shall by ordinance provide.

Division of
revenues.

SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

Special funds.

First, A street district fund, for each street district,—for defraying the expenses of grading, improving, repairing and working upon the streets therein, and for the payment of all street expenses, which the council shall charge upon the street district;

Street.

Second, A district sewer fund, for each main sewer district,—for the payment of the costs and expenses of sewers and drainage in, and chargeable to the main sewer district, when the city shall be divided into such districts;

Sewer district.

Third, Special assessment funds; any money raised by special assessment levied in any special assessment district or special sewer district to defray the expenses of any work, paving, improvement, repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised.

Special as-
sessment.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted (exclusive of taxes for schools and schoolhouse purposes) shall not, except as herein otherwise provided, exceed in one year, one per cent.

General tax,
limit of.

SEC. 6. The council may also raise by tax in each street district for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-fourth of one per cent on the assessed value of the taxable real and personal property in the district.

Street dis-
trict tax.

SEC. 7. In addition to the above amounts, the council may raise by special assessment in sewer districts and special as-

Sewer dis-
trict, etc., tax.

assessment districts for the purpose of grading, paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year five per cent on the assessed value of the property in the sewer district, or special assessment district, as the case may be, as shown by the last preceding assessment rolls of the city.

Tax on private sewer.

SEC. 8. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer.

Interest and sinking fund.

SEC. 9. The council may also raise such further sum annually, not exceeding three mills on the dollar, of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

Council to make estimates of expenditures, etc.

SEC. 10. It shall be the duty of the council to cause estimates to be made in the month of May, in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also, to estimate the amounts that will be required to be expended from street district funds during said next fiscal year, in working upon, improving and repairing the streets in the several street districts of the city.

To determine amount for deficiencies, etc.

SEC. 11. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also the amount or part of any special assessments which they require to be levied or reassessed upon lands in any main sewer, or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

Tax to be levied before improvement begun.

SEC. 12. No public work, improvement or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied, or from the

proceeds of bonds issued in anticipation of the collection of said tax.

SEC. 13. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year, for the purpose of the general and street district funds, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: Provided, That the aggregate amount of taxes and loans so raised and made, shall not exceed the amount for which a tax might be levied for the same year.

Council may raise part by tax and part by loan.

Proviso.

SEC. 14. The council shall also have authority to raise moneys by loan in anticipation of the receipts from special assessments for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Council may make loans.

SEC. 15. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by two-thirds of the electors voting upon the question at an annual city election or special election called for such purpose. The amount that may be voted or raised in any year under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls made therein.

When submitted to electors.

Limit as to amount.

SEC. 16. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed, and published in one or more of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

How submitted, etc.

SEC. 17. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall

Moneys to be applied to purposes for which raised.

deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

Moneys, how drawn.

SEC. 18. No money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council and upon the warrant of the clerk. Such warrant shall specify the fund from which it is payable and shall be paid from no other fund.

Warrant not to be drawn after fund exhausted.

SEC. 19. No warrant shall be drawn upon the treasury, after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred and payable from such fund, are sufficient to exhaust it. Any warrant, draft or contract, payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

When bonds may be issued.

SEC. 20. No loans shall be made by the council, or by its authority, in any year exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest. A record showing the dates, numbers and amounts of all bonds issued, and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

Record.

New bonds.

When council to audit and settle accounts, etc.

SEC. 21. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessments and the amount collected on each; and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

To make statement, what to show, etc.

SEC. 22. Said statement, signed by the mayor and clerk, shall be filed in the office of the city clerk, and a copy thereof published in one of the newspapers of the city. Statement, by whom signed, where filed.

SEC. 23. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall directly or indirectly and knowingly appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of wilful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and, on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court. Penalty for misappropriating funds, etc.

SEC. 24. Every bond issued by said city shall be made payable within thirty years from the date of issue, and shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of raising money for any public improvement, the particular public improvement shall also be specified on the face of such bond, and it shall be unlawful for any officer of said city to sign or issue any such bond without such matters are set forth on the face of the same as aforesaid, or to use such bonds or the proceeds from the sale thereof, for any other object than that mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment in the discretion of the court. Bonds, when payable, etc. Unlawful to alter, etc.

CHAPTER XXV.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The supervisors of said city shall, in each year, make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property in the townships of the State, and in so doing they shall conform to the provisions of law governing the action of supervisors of townships, performing like services, and in all other respects within their respective wards, they shall, unless otherwise in this act provided, conform to Duty of supervisors as to.

City assessor,
appointment,
term.

Duties.

Assessments
to be in two
rolls.

How to assess
person claim-
ing exemp-
tions.

Personal prop-
erty, where
assessed.

the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof. The council may by ordinance provide for the appointment by the council upon the recommendation of the mayor, a city assessor who shall hold his office for one year from and after the first Monday in March of the year in which he shall have been appointed, and such appointment shall be made as aforesaid on or before the second Monday in April in each year. Such assessor shall make an assessment of all real and personal property within such city in the same manner, and have the same powers, and perform the same duties touching the assessment of such property and the levying of such taxes as are performed by supervisors in townships in such matters, which powers shall be exercised and duties shall be performed by such assessor instead of being executed and performed by the supervisor of the several wards in said city as hereinbefore provided. Such assessments shall be made in two separate rolls, one for the city taxes and special assessments to be known as the "city or July tax roll," the other for the State, county and school taxes, to be known as the "December tax roll," and in the making of such assessments and in the levying of taxes said city shall be treated as a whole or as one assessment district as townships are treated under the general tax laws of the State.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein on the ground that he or she has a residence, and is taxed or liable to taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer, or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

SEC. 3. All personal property found in any ward may be assessed therein, whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person shall be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

SEC. 4. For the purpose of assessing all property equally in the whole city, the supervisors of the several wards shall meet and confer together from time to time, while making their assessments, and equalize their valuations in such manner as may be just. ^{Supervisors to meet.}

SEC. 5. The supervisors of the several wards, the city assessor if said city provides for such officer, the mayor and the city attorney, shall constitute a board of equalization and review of the general assessment rolls of the several wards of said city, a majority of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall have power, and it shall be their duty, to examine said assessment rolls, and they shall have authority to, and shall correct any errors or deficiencies found therein, either as to the names, valuations or descriptions; and of their own motion or on cause shown, may reduce or increase the valuation of any property found on said rolls, and shall add thereto any taxable property in said city that may have been omitted, and shall value the same; and to strike from said rolls any property wrongfully thereon, and generally to perfect said rolls in any respect by said board deemed necessary and proper, for which services such members of said board shall receive two dollars per day while actually employed. If on examination they shall deem the valuation of the several wards to be relatively unequal, they shall equalize the same by adding to or deducting from the total valuation of the taxable property in any ward such an amount as, in their judgment, will produce relatively an equal and uniform valuation of the real estate in the city; and the amount added to or deducted from the total valuation in any such ward shall be so stated in the certificate attached to the assessment roll of such ward; and all taxes for State, county, school, general city and sewer purposes shall be apportioned according to said equalization, in the manner hereinbefore provided, and said equalization shall not be changed with regard to the relative valuation of the several wards of said city, and the board of supervisors of the county in which said city is located shall equalize said city as a unit the same as a township is equalized, and any amount added to or deducted from the total valuation of said city as a unit, shall be apportioned by the clerk of the board of supervisors among the several wards according to the equalized valuation of the real property in each ward as fixed by the board of review. ^{Board of equalization, and review.} ^{Power, duties, etc.}

SEC. 6. The said board shall meet on the third Monday in May in each year, at the council rooms in said city, at nine o'clock in the forenoon, at which time and place notice shall be given by the clerk at least two weeks prior to the time of meeting, by publishing a notice thereof in one or more of the newspapers of said city, and also by posting the same in three public places in each ward of said city, at which time and ^{Meetings of board.}

To select
chairman;
sessions, etc.

To keep
record of
proceedings.

Power, etc.

Form of
statement.

place the several supervisors shall submit to said board their respective general assessment rolls. They shall select one of their number as chairman, and shall continue in session at least four days successively, and as much longer as may be necessary to complete the review, and at least six hours in each day, during said four days or more; and any person or persons desiring so to do, may examine his, her or their assessment on said rolls, and may show cause, if any exists, why the valuation thereof should be changed, and the said board shall decide the same, and their decision shall be final. They may examine on oath any person touching the matter of his or her assessment, and the chairman or any member of said board may administer oaths. They shall keep a record of their proceedings, and all changes made in said rolls, and the amount added to or deducted from the total valuation in each ward shall be entered upon such record, which record shall be deposited with the city clerk who shall be clerk of said board. The decision of a majority of the members of said board upon all questions shall govern. The rolls as prepared by the several supervisors shall stand as approved and adopted as the act of the board of review, except as changed as herein provided. Said board shall have the same power and perform the same duties in all respects as boards of review of townships, in reviewing and correcting assessments made by supervisors of townships, except as in this act otherwise provided. After said board of review shall have completed the revision of said rolls, the clerk shall endorse and sign a statement upon each roll, to the effect that the same is the general assessment roll of the ward to which it applies for the year in which it has been prepared, as approved by the board of review. Such statement may be in the following form viz:

State of Michigan,
City of Coldwater—ss.

I hereby certify that the board of review and equalization of the city of Coldwater have reviewed, equalized and corrected the within assessment roll, and have deducted (or added, as the case may be) dollars from (or to, as the case may be), the valuation of the real estate made by the supervisor, and have determined the aggregate value of such real estate to be dollars, and the total value of the personal estate to be dollars for the year A. D.

Dated

.....
Clerk of the Board of Review.

When rolls
returned to
supervisors.

Upon the completion of such rolls, and their endorsement in manner aforesaid, they shall be returned to the several supervisors, and shall be conclusively presumed by all

courts and tribunals to be valid, and shall not be set aside except for causes mentioned in the general laws of the State, relating to the assessment of property and the levy and collection of taxes thereon. The omission of such endorsement, however, shall not effect the validity of any such roll.

SEC. 7. When such assessment rolls shall be completed they shall be delivered to the city clerk, who shall immediately proceed to make therefrom a full and complete condensed copy of such assessment rolls for the use of the common council, which when certified by them, shall be deemed the city assessment roll for that year. When such copy shall be completed and within fifteen days after receiving the same, the city clerk shall re-deliver said rolls to the respective supervisors of each ward to be used for State, county and school purposes.

Clerk to make copy of rolls.

SEC. 8. All taxes levied in any ward tax roll, shall be and remain a lien upon the lands upon which they are levied until paid.

Taxes to remain lien.

SEC. 9. The common council of said city shall have power and authority to make all necessary by-laws and ordinances for the collection of all taxes; and every assessment of tax lawfully imposed by the said common council on any land, tenements or hereditaments or premises whatever in said city, shall be and remain a lien on such lands from the time of imposing such tax until paid; and the owner or occupants or parties interested respectively in said real estate shall be liable, on demand, to pay any such tax to be levied, as aforesaid: Provided, That all parcels of land of ten acres or more used exclusively for farming purposes and not laid out into city lots, shall be assessed as farm lands at their cash value.

Authority of council.

Proviso.

SEC. 10. It shall be the duty of the city clerk, under the direction of the common council, whenever the city assessment roll shall have been completed in each and every year, to assess the taxes that have been levied by the common council for the year, adding thereto, and to all other taxes required by law to be assessed by him, not more than four per cent for collecting expenses upon the taxable property in the city, according (and) in proportion to the individual and particular estimate and valuation, as specified in the assessment rolls of the city for the year. He shall thereupon deliver to the city treasurer a copy of said assessment roll, with the taxes for the year annexed to each valuation, and carry out the total amount of taxes in the last column of said roll, and shall annex thereto a warrant under the hands of the clerk and mayor, and the seal of said city, commanding the treasurer to collect from the several persons named in said roll, the several sums mentioned in the last column thereof, opposite their respective names, on or before the day specified in such warrant; and it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such

Duty of clerk, when city roll completed

To deliver copy and warrant.

Notice of
treasurer of
receipt of
rolls.

person. Upon receiving the several ward tax rolls, as above provided, the city treasurer shall give notice immediately to the taxpayers of the city, that such rolls have been delivered to him, and that the taxes therein levied can be paid to him at his office at any time before the fifteenth day of September, without charge, but that four per cent collection fee shall be charged and collected upon all taxes remaining unpaid on said fifteenth day of September. Said notice shall be given by publishing the same twice in one or more of the newspapers of the city, and by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the treasurer to be at his office at such times previous to the said fifteenth day of September, as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall collect no fees upon any taxes paid to him before the said fifteenth day of September, but in all other cases he shall collect both the tax and the four per cent collection fee; and in case of a refusal or neglect to pay such taxes, the treasurer shall levy the same by distress and sale of the goods and chattels of every such person wherever found within the city, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice and sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was found when distress was made. The said treasurer shall, within ten days after the time mentioned in his warrant for the collection of said taxes, in case any of the taxes mentioned in said roll shall remain unpaid, and he shall be unable to collect the same, make out a statement of the taxes remaining unpaid and due, with a full and perfect description of such premises from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax.

Collection fees.

Refusal to
pay taxes.

Statement of
unpaid taxes.

Treasurer may
sell lands for
taxes.

Certificate to
purchaser.

SEC. 11. The city treasurer shall, immediately after making such statement, transcribe the same into a book, to be provided and kept for that purpose; and shall, under the direction of the common council, and in pursuance of the ordinances or resolutions of the said council, proceed to sell at public sale so much of said lands so returned on account of non-payment of the taxes, together with such amount as shall be directed by the common council to cover the expenses of such sale, notice of which shall be given by publication in a newspaper published in said city, once in each week, for four successive weeks preceding such sale; and the said city treasurer on such sale, shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for the same; and in case a less amount than the

whole amount of such description shall be sold, the part so sold shall be taken from the north side or end thereof, and shall be bounded on the south by a line running parallel with the northerly line thereof: Provided, That if any parcel of land cannot be sold to any person for the taxes and charges, the city treasurer shall bid the same off to the common council of said city, and shall give a like certificate of such sale, which shall have the like effect in all respects as if the same had been given to any purchaser thereof.

SEC. 12. Any person claiming any of the lands sold, as aforesaid, or any interest therein, may, at any time, within one year succeeding the sale redeem any parcel of said lands, or any part or interest in the same, by paying to the treasurer of said city the amount for which said parcel was sold, or such proportion thereof as the part or interest redeemed shall amount to with interest thereon at the rate of twenty-five per cent per annum, fifteen per cent of which shall be paid to the purchaser; but in no case shall the interest be computed for a less time than three months from the day of sale, whereupon the city treasurer shall issue to and deliver to the person making such payment a certificate of the redemption thereof.

SEC. 13. Upon the presentation of any such certification of sale to the city treasurer after the expiration of the time for the redemption of the lands sold, as aforesaid, he shall execute to the purchaser, his heirs, or assigns, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State may have thereon; and the said conveyance shall be prima facie evidence that the proceedings were regular according to the provisions of this act, from the valuation of the same by the supervisors to the date of the deed inclusive, and of the title in fee of the grantee therein named; and every such conveyance, duly made and acknowledged, may be given in evidence in all the courts of this State, in the same manner and with the like effect of any other conveyance of real estate or any interest therein; and the common council may, upon satisfactory evidence upon oath of the payment of any tax upon real estate, that the same has been returned by mistake for non-payment of the taxes or otherwise, improperly, or for any other irregularity in the return of such real estate, cancel the certificate of sale before the land therein described has been conveyed, as aforesaid, and thereupon the clerk shall draw an order upon the treasurer, countersigned by the mayor, for the amount of the purchase money, and no deed shall be given upon such certificate of sale.

SEC. 14. Whenever the treasurer shall not be able to collect any city tax on personal property, on account of the absence of the person so taxed, or for any other cause, the clerk may, if directed by the common council, issue a new

Proviso.

How and when
lands may be
redeemed.

Certificate.

When treasurer
to execute conveyance
to purchaser.

Evidence of
regularity.

Council may
cancel certificate.

Proceedings
for collection
of unpaid
taxes on personal
property.

warrant to the treasurer for such tax; and thereupon said warrant shall be and remain in full force for the purpose of such collection as long as shall be directed by the common council; and the treasurer shall charge interest on all such taxes at ten per cent per annum from the time of returning the tax roll until the day of collection; it shall be also lawful for the treasurer, in the name of the city, to sue the person or persons against whom any such personal property taxed was assessed, after the return of the assessment roll, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts to enforce the payment of any such tax. Executions issued upon judgments rendered for every such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of any city taxes; and the proceedings of any officer with such execution shall be the same in all respects as is now or shall be hereafter directed by law. The production of any assessment roll on the trial of any action brought for the recovery of any tax therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the warrant annexed of the city, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be prima facie evidence of the legality and regularity of the assessment of the same; and the court before whom the case may be pending, shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax, and no stay of execution shall be allowed in such judgment.

CHAPTER XXVI.

EDUCATION.

City to constitute single school district.

SECTION 1. Said city incorporated under this act shall constitute a single school district. Such school district shall be a body corporate by the name and style of the Public Schools of the City of Coldwater, and shall possess the usual powers of corporations for public purposes; and in that name may sue and be sued and purchase, acquire, hold and dispose of such real and personal property as is authorized to be purchased, acquired or disposed of by this charter.

Board of education, election of, term, etc.

SEC. 2. The board of education of such public schools shall consist of eight members who shall have the government and control of said school district. The members of said board shall be elected at the annual charter election held in said city in the same manner that ward officers are now elected, two members of said board being elected from each ward, one member of said board to be elected each year from

each ward and to hold his office for the term of two years or until his successor is elected and qualified. In case additional wards are created then said board of education shall be increased by two members from each additional ward who shall be elected as herein provided.

SEC. 3. Such annual election of such board shall be held at the annual charter election of said city in the same manner as the election of ward officers: Provided, That the present members of the board of education whose time of office has not expired at the next charter election, shall continue in office for their unexpired term. Election, when held. Proviso.

SEC. 4. At the first regular meeting of the board after each annual election, the board shall elect from their own number a president, and they shall also at such time elect a secretary, who may or may not be a member of the board, and whose duty shall be fixed and prescribed by the board: Provided, That whenever a secretary shall be elected who is not a member of the board, he shall have no vote therein. They shall meet from time to time, as they may determine for the transaction of business, and shall keep a record of all their proceedings. The city treasurer shall be the treasurer of the public schools, as hereinbefore in this act provided. Board to elect president, etc. Proviso. Meetings.

SEC. 5. The board of education shall have the control and management of the property, interests and affairs of the district, and of the schools organized, or that may be organized therein. They shall establish and maintain such primary and graded schools as the public interests may require; and when deemed expedient shall establish a high school for instruction in the higher branches of education, authorized by the school laws of the State. The schools of the district shall be public, and free to all children between the ages of five and twenty years, residing within the city; and shall be taught for such length of time, at least, during each year as is or may be required by law in respect to school districts having a like number of children of the ages aforesaid. Duties, etc., of board. Schools to be public.

SEC. 6. The board of education shall appoint and employ a superintendent, and the teachers and instructors for the public schools, and determine their salaries and define their duties. They shall prescribe the courses of study to be pursued, the books to be used, classify the pupils as may be expedient, and provide the necessary apparatus and facilities for instruction, determine the rate of charges for instruction to pupils not resident in the city, make all regulations necessary or required for the examination of teachers, determine the length of time the schools shall be taught each year, adopt rules for the regulation and government of the schools, and do whatever may be required to advance the interests of education. Board to employ teachers, adopt rules, etc.

SEC. 7. Said board may maintain a district library and may apply to the purchase of books therefor such sums annually as they may deem expedient: Provided, That the free Maintain district library. Proviso.

public library and reading rooms now existing in such city and organized under the general laws of the State may be continued under such laws with all the rights, privileges and immunities appertaining thereto as at present enjoyed, however the same may be derived, anything herein contained to the contrary thereof notwithstanding.

Authority as
to sites, build-
ings, etc.

SEC. 8. The board of education shall have authority, and it shall be their duty, to designate and establish such number of sites for schoolhouses in the district as may be necessary, and to purchase and procure the lands therefor, and to erect and maintain thereon, in proper repair, convenient and suitable schoolhouses and buildings for the use of the public schools, and to provide the proper furniture and appurtenances for such buildings and grounds. They may also lease lands and buildings for the use of the schools; and may sell and dispose of any lands and property of the district when no longer needed. They shall make and enforce all needful regulations for the protection and preservation of the school buildings, property and improvements of the district; and the council shall also pass all necessary ordinances for that purpose.

Annual
census.

SEC. 9. The board shall cause a census to be taken annually of all the children between the ages of five and twenty years, residing in the district, within the time and in the manner required by law, and report the same and make and transmit all other necessary reports to the proper officers, as designated by law, in order that the district may receive its share of the primary school funds and library moneys. For the purposes of distribution of the primary school funds and moneys collected from fines and penalties the city shall be considered the same as a township, and said board shall be entitled to receive from the county treasurer or other officer, for the use of the public schools, all moneys appropriated or apportioned to the city for primary schools and district libraries.

Distribution
of primary
school funds.

Statement of
board to be
published,
what to con-
tain, etc.

SEC. 10. The board shall, during the last week of the month of August in each year, publish in some newspaper in the city a statement of the number of schools in the city, the number of teachers employed, and of the pupils instructed therein during the preceding year, and the branches of education pursued in such schools, and at the same time make and publish a statement of all the receipts and expenditures of the district for the preceding year, showing the items thereof, the sources of income, the amount of salaries paid to officers, teachers and employes, and to whom paid, the obligations incurred during the year and the amount of indebtedness outstanding and to whom payable; and also the estimates required to be made, as in the next section mentioned of the expenditures for grounds and buildings and for the support of the schools for the ensuing year, and the items thereof, all of which shall be recorded with the proceedings of the board.

SEC. 11. It shall be the duty of the said board of education to certify the full amount of taxes to be levied upon the taxable property in said district to the supervisor of each ward, and each of said supervisors shall certify to each other supervisor the amount of taxable property in that part of the district lying in his ward; and such supervisors shall respectively ascertain the proportion of such tax to be placed upon their respective assessment roll according to the amount of taxable property in each of said wards. And it shall be the duty of the city treasurer of said city to perform and discharge the same duties in relation to the collection and return of taxes which may be assessed or levied in the several wards of said city for State, county and school purposes that are now required to be performed by township treasurers in this State.

Board to certify taxes to be levied to supervisors.

Duty of supervisor.

Treasurer.

SEC. 12. For the payment of current expenses, the board may borrow, from time to time, in anticipation of the collection of taxes levied, or herein authorized to be levied, during the same year for school purposes, such sum not exceeding twenty-five per cent of the tax, to be paid therefrom as they may deem expedient. Should any greater sum be required in any one year for the purchase of grounds, the erection of school buildings, and for the payment of indebtedness incurred for such purposes than can be raised under the provisions of the foregoing sections, such sum, not exceeding two per cent of the taxable valuation of the property in the city for the preceding year, may be raised by tax or loan, and should any greater sum than one and one-fourth per cent of the taxable valuation of the real and personal property in the city, as shown by the tax roll of the preceding year, be required for the support of the schools and for all other purposes above mentioned in any year such additional sum not to exceed three-fourths of one per cent of the taxable valuation of real and personal property in the city for the preceding year may be raised by tax, if authorized by a majority vote of the qualified electors of the district present at any general meeting or at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of the city, and by posting copies thereof in ten public places in the city at least ten days before the meeting. For any sums borrowed and for the renewing of former loans, the board may issue the bonds of the public schools of the city, for payment of which the faith of the district shall be pledged.

Board may borrow money, limit.

When submitted to electors.

Notice.

SEC. 13. The treasurer shall give bond to the public schools of the city, in such sum and with such sureties as the board of education shall approve, conditioned for the faithful performance of the duties of his office. All school and library moneys receivable from the county treasurer and from

Treasurer to give bond.

School moneys.

the collection of taxes and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to, or paid out for any purpose except upon the written order of the president, countersigned by the secretary of the board. Any officer or person paying to the treasurer any money belonging to the public schools shall take duplicate receipts therefor, and transmit one of them to the secretary of the board.

Compensation
of secretary.

SEC. 14. The secretary of the board shall receive such compensation for his services as such officer, as the board shall determine not exceeding two hundred dollars per year; otherwise no member of the board shall receive any compensation. No member of the board shall be a party to or interested in any contract with the public schools.

Members.

School prop-
erty vested in
public schools
of city.

SEC. 15. All the school buildings, property and effects situated within said city at the time of its incorporation under this act shall, upon such incorporation, be vested in, and be the property of the district hereby designated as the public schools of the city; and all the debts and liabilities of any school district within the territory incorporated as a school district by this act shall be the debt of, and be paid by, the district as herein constituted; and any suit pending against any such former school district shall be continued to judgment. Any tax levied and uncollected in any such former district shall be collected and enforced in the same manner as if such new incorporation had not taken place.

Resignations,
vacancies.

SEC. 16. All resignations of trustees shall be made to the board of education, subject to their approval and acceptance. The board shall have power to fill any vacancies that may occur in their number until the next annual election.

CHAPTER XXVII.

MISCELLANEOUS.

Reincorpora-
tion not to
affect rights,
records, etc.

SECTION 1. Said city shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belonging to said city as formerly incorporated and no rights or liabilities either in favor of or against such former corporation, existing at the time of its reincorporation under or subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of such change shall be collected the same as if such change had not been made: Provided, That when a different remedy is given in this act which can be made applicable to

Proviso.

any rights existing at the time of the incorporation of the city under or subject to this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

SEC. 2. All the officers in said city, elected or appointed under the provisions of the former act of incorporation of said city, and in office at the time of such reincorporation under this act, shall continue to exercise their respective functions under the provisions of this act of reincorporation for the full term for which they were so elected or appointed, and until their successors shall have qualified and entered upon the duties of their office, unless herein otherwise provided. Officers to continue.

SEC. 3. The by-laws and ordinances of said city and the rules and regulations of the council, and of the board of health or other board or boards of said city heretofore in force and not inconsistent with this act shall remain in force after the passage of this act and are hereby declared to be re-enacted by virtue and under the powers conferred by this act until altered, amended or repealed by the council or such board as the case may be. Ordinances, etc., to remain in force.

SEC. 4. In cases where a special assessment has been made by authority of and confirmed by the council of said city, and the same or some part thereof shall not have been collected when this act shall take effect said city, as hereby reincorporated, shall have authority to enforce the payment thereof, and the same proceedings may be had therefor as are provided in this act. Special assessments to remain.

SEC. 5. All licenses granted by said city under its former act of incorporation shall be and remain in full force and virtue until the expiration of the time for which they were granted. Licenses to remain in force.

SEC. 6. The first election of officers for said city reincorporated under the provisions of this act shall be held on the first Monday in April, in the year of our Lord, one thousand nine hundred and five, and notice thereof and of the officers to be elected thereat shall be given and the election held and conducted, the votes canvassed, the result determined and notice given to persons elected in the same manner and within the same time as herein provided. First election, when held, conducting, etc.

SEC. 7. All process against said city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk or city attorney, at such time and manner as may be provided by law. Process against city, how served.

SEC. 8. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys, within said city, except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and the sub-divisions thereof, platted and Platting of lands, etc.

subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of the register of deeds of the county in which said city is located until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and dedication has been approved by the council; nor shall the city by reason of such approval, be responsible for the improvement, care, and repairs of such streets and alleys excepting such as the council shall accept and confirm by ordinance or resolution as in this act provided.

Affidavit of publication deemed evidence.

SEC. 9. When by the provisions of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be made by publication, or by the person posting the same, when required to be by posting, shall be prima facie evidence of the facts therein contained: Provided, The same shall be filed with the city clerk within six months from the date of the last publication thereof, or of posting the same.

Proviso as to filing.

Council may issue bonds to pay judgment.

SEC. 10. Whenever any judgment or decree of any court shall be rendered or decreed against said city, and said city shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the council of said city to issue the bonds of said city to an amount not exceeding the sum of such judgment or decree, and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be made payable at such time and place and at such rate of interest, not exceeding six per cent per annum, as shall be prescribed by the council, and such bonds shall be sold and disposed of at not less than par value, in such manner as may be deemed advisable by said council.

Repealing clause.

SEC. 11. Act number two hundred fifty of the laws of eighteen hundred seventy-three, entitled "An act to revise the charter of the city of Coldwater, being amendatory of an act, entitled 'An act to incorporate the city of Coldwater,' approved February twenty-eighth, eighteen hundred sixty-one, as amended by the several acts amendatory thereof," approved April seventeenth, eighteen hundred seventy-three, as revised and amended by the several acts revisionary and amendatory thereof, and all other acts, or parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 18, 1905.

[No. 557.]

AN ACT to authorize the townships of Monroe and Raisinville in the county of Monroe to borrow money and issue bonds therefor for the purpose of building a bridge across the River Raisin, a part of which will be on the line dividing said townships, and to provide for the payment of the principal and interest of the said bonds.

The People of the State of Michigan enact:

SECTION 1. The township boards of the townships of Raisinville and Monroe in the county of Monroe are, each for itself, hereby authorized and empowered to borrow, the township of Raisinville not to exceed eight thousand dollars, and the township of Monroe not to exceed two thousand dollars, on the faith and credit of said townships and issue bonds therefor; said moneys to be used in the building of a bridge across the River Raisin as a part of the highway dividing said townships across the south half of the said river and in Raisinville township across the north half of the said river. The money hereby authorized to be borrowed by said township shall be due and payable for the township of Raisinville in six years from the date thereof, and for the township of Monroe in three years from the date thereof, together with the interest thereon at a rate not to exceed five per cent per annum.

Authority
to borrow
money.

To build
bridge.

Money when
payable, etc.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of each of said townships of Raisinville and Monroe, voting at any regular election or at any special township meetings in said townships to be called by the respective township boards of said townships at any time after the taking effect of this act, shall vote in favor of said proposition; and the said township boards are hereby authorized and empowered to submit the question of said loan to the qualified electors of said townships each for itself, at such special township meetings, giving due notice thereof, by causing the date, place of voting and object of said election to be stated in written or printed notices, posted in at least five public places in each of said townships, not less than twelve days prior to the said elections, which notices shall state the amount of money proposed to be borrowed.

Election, etc.

Notice of,
what to state
etc.

SEC. 3. The voting upon said question at said election shall be by ballot, which ballot shall be written or printed or partly written and partly printed and shall be in the form prescribed by law; and said election shall be held and said vote shall be canvassed in all respects in the same manner as elections held and votes cast at township meetings; and if, upon the canvassing said vote, it shall be found that a majority of the electors voting upon such proposition have

Ballots.

Canvass of
votes.

voted in favor of the same, the township board shall be authorized to issue the bonds of their respective townships as hereinbefore provided.

Tax levy, to pay bonds and interest.

SEC. 4. It shall be the duty of the township boards of said townships of Raisinville and Monroe to raise by tax upon the taxable property of the said township in each of the years following the issuing of the said bonds in addition to the other taxes authorized by law to be assessed and collected in said townships, such an amount as shall be sufficient to pay the bonds falling due in the ensuing year and the interest upon the amount unpaid.

Treasurers, orders issued to.

SEC. 5. It is hereby made the duty of the township boards of said townships of Raisinville and Monroe to issue to their respective township treasurers definite orders for the payment of the several installments of principal and interest on the bonds provided for by this act, as the same shall become due; for the creation and proper care and security of the fund to be raised annually for the payment of the principal thereof; and it shall be lawful for said township boards to borrow from the contingent funds of their respective townships such amounts as may be necessary to make up for any shortage in the collection on account of the bridge loan or interest tax arising from delinquent taxes in any year.

Board may borrow from contingent fund.

This act is ordered to take immediate effect.

Approved May 18, 1905.

[No. 558.]

AN ACT to authorize the village of Cedar Springs, in the county of Kent, to issue its bonds for the grading, graveling and improving of its streets, for the disposal of said bonds and for the disposal of the proceeds of said bonds.

The People of the State of Michigan enact:

Authority to borrow money, etc.

Issue bonds.

Money, how expended.

Tax levy, to pay interest.

SECTION 1. The village of Cedar Springs in the county of Kent and State of Michigan, is hereby authorized and empowered to borrow a sum of money not exceeding ten thousand dollars on the faith and credit of said village, and to issue its bonds therefor payable at a time or times not exceeding twenty years from the date thereof, and at a rate of interest not exceeding five per cent per annum, payable annually, which money shall be expended for the purpose of grading, graveling and improving the streets of said village as the council of said village shall direct.

SEC. 2. It shall be the duty of the village council of said village to provide by tax for the payment of the interest on the bonds so issued, as the same shall accrue each year, which

tax shall be levied and collected in the same manner as other village taxes.

SEC. 3. It shall be the duty of the village board of said village to provide for the payment of said bonds at the time or times when the same shall become due and payable by the levying of a tax for that purpose upon the taxable property of said village. The moneys collected on such levy shall constitute a separate fund, and shall be applied to the payment of said bonds and to no other purpose.

Payment of
bonds, tax
levy for.

SEC. 4. Such bonds shall be issued in denominations of five hundred dollars each and not more than two bonds shall mature in one year, except the last year.

Bonds, de-
nomination
of, etc.

SEC. 5. No such bonds shall be issued unless a majority of the electors of said village, voting at a general village election or special village election duly called at a time to be fixed by the village council of said village in the same manner and at the same place as the last general village election, except as herein provided, shall so determine. The village council of said village is hereby authorized and empowered to submit the question of said bonding to the qualified voters of said village, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written or printed notices, to be posted in five public places in said village, at least fourteen days before the time fixed by said council for such election, which notice shall state the amount of money proposed to be raised by such bonding and the purpose to which it shall be applied.

Election, etc.

Notice of, etc.

SEC. 6. The vote on such proposition shall be by printed ballot and shall be in the following words: "Shall the village issue its bonds for grading, graveling and improving its streets? Yes ()." "Shall the village issue its bonds for grading, graveling and improving its streets? No ()." The election shall be conducted and the votes canvassed in all respects as in other village elections. And immediately upon the conclusion of such canvass the inspectors of election shall make and sign the certificate, showing the whole number of votes cast upon such proposition and upon each of them, and the number for and against said proposition. And said inspectors shall endorse upon such certificate a declaration in writing of the result of such election, which certificate and declaration shall then be filed with the clerk of said village and a copy of said certificate and declaration certified to by said village clerk shall be filed by him with the county clerk for the county of Kent.

Ballots, etc.

Certificate.

Declaration
filed with
clerk.

SEC. 7. If such loan be authorized by a majority of the electors voting at such election, said bonds may be issued as provided in section one of this act. Said bonds shall be signed by the president of said village and countersigned by the clerk, and shall be issued and recorded in accordance with the formalities required in the issuance and recording of village bonds generally. Said bonds shall be disposed of under

Bonds, by
whom signed,
etc.

Disposal of.

the directions of the council of said village and upon such terms as may be deemed advisable, but not for less than the par value thereof, and the avails thereof shall be applied to the purpose for which the same were issued, as above designated and for no other purpose.

This act is ordered to take immediate effect.

Approved May 18, 1905.

[No. 559.]

AN ACT to prohibit the performance of any labor in the dredging out, straightening, widening, or deepening of Prairie creek in the township of Ronald in the county of Ionia, State of Michigan, without the consent of the township board of Ronald township.

The People of the State of Michigan enact:

Act
prohibiting.

SECTION 1. That no corporation, person or association of persons, or any public officer, shall perform any labor in dredging out, straightening, widening or deepening Prairie creek in the township of Ronald, Ionia county, Michigan, without first obtaining the consent of the township board of the said township of Ronald.

This act is ordered to take immediate effect.

Approved May 18, 1905.

[No. 560.]

AN ACT to authorize Bay City to borrow money and issue its bonds therefor, to defray the expenses of construction of local improvements for the year nineteen hundred five, and to provide for the payment of said bonds.

The People of the State of Michigan enact:

Authority
to borrow
money

SECTION 1. For the purpose of defraying the expense of constructing pavements, sidewalks or main or lateral sewers, as may be ordered by the common council of the city of Bay City during the year of nineteen hundred five, in anticipation of the collection of assessments and taxes levied or to be levied for the payment of the costs and expenses thereof, said city is authorized and empowered by resolution of said common council, to borrow upon its faith and credit, the

sum or sums as may be necessary for said purpose, not exceeding seventy-five thousand dollars, and to issue its bonds therefor. Said bonds shall be designated and endorsed "Nineteen hundred five public improvement bonds," and of the amount thereof, which may be so issued, one-third shall be made payable in three years, one-third in five years and one-third in eight years from date of issue, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually. Said bonds shall be disposed of under the direction of the common council, but shall not be sold for less than their par value, and all proceeds thereof shall be paid to the city treasurer, and by him placed to the credit of a fund to be known as "Nineteen hundred five public improvement fund." Said bonds shall be paid at maturity, and the common council shall not have power to reissue said bonds, nor issue other bonds for the payment thereof.

Bonds, when payable, etc.

SEC. 2. Anything herein contained shall not be construed to prevent said city from assessing the costs and expenses of any of said improvements upon the lot and premises specially benefited thereby, according to the benefits derived therefrom, and to be paid or collected, as provided in the charter of said city. All assessments for any of said improvements, the cost of construction whereof is primarily paid from the proceeds of said bonds shall be paid to the city treasurer and by him placed to the credit of a fund to be known as "Nineteen hundred five public improvement bond and interest fund," which fund shall be used for the purpose of paying said bonds and interest thereon, and shall not be drawn on or used for any other purpose. Upon maturity of said bonds any deficiency in said fund shall be supplied from the general fund.

Property assessments.

SEC. 3. This act or any provision thereof shall not be construed to conflict with, repeal, supersede or abridge any of the provisions of the charter of said city, with reference to "local improvement bonds," and shall be entirely independent of and in no manner affect or abridge the powers of the common council in section one hundred forty of act five hundred fourteen, local acts, nineteen hundred three.

Act not to conflict with charter.

This act is ordered to take immediate effect.

Approved May 18, 1905.

[No. 561.]

AN ACT to abolish the board of public works in the city of Midland, and transfer the powers and duties of said board to the common council of said city.

The People of the State of Michigan enact:

SECTION 1. In the city of Midland the board of public works is hereby abolished.

Board abolished.

Transfer of
powers, etc.

SEC. 2. All the powers and duties given to or imposed upon said board by the charter of said city are hereby given to and imposed upon the common council of said city.

Property,
papers, etc.,
transferred.

SEC. 3. All the property, papers, accounts, files, records and all other things belonging or appertaining to the said board or controlled by the said board shall be transferred and delivered to the said council to be used, employed and expended in the exercise and performance of the powers and duties imposed upon said council by the provisions of this act.

This act is ordered to take immediate effect.

Approved May 18, 1905.

[No. 562.]

AN ACT to amend section one of title five and section forty-four of title six of act number four hundred forty-two of the local acts of nineteen hundred one, entitled "An act to reincorporate the city of Menominee, to provide for the election and appointment of officers therein, and to repeal act number two-hundred twenty-eight of the local acts of eighteen hundred eighty-three, entitled 'An act to incorporate the city of Menominee,' and to repeal act number two-hundred eighty-one of the local acts of eighteen hundred ninety-one, entitled 'An act to revise and amend the charter of the city of Menominee, being act number two hundred twenty-eight of the local acts of eighteen hundred eighty-three, entitled "An act to incorporate the city of Menominee," approved April nine, eighteen hundred ninety-one, and all amendments thereto," approved May twenty-second, nineteen hundred one.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of title five and section forty-four of title six of act number four hundred forty-two of the local acts of nineteen hundred one, entitled "An act to reincorporate the city of Menominee, to provide for the election and appointment of officers therein, and to repeal act number two hundred twenty-eight of the local acts of eighteen hundred eighty-three, entitled 'An act to incorporate the city of Menominee,' and to repeal act number two hundred eighty-one of the local acts of eighteen hundred ninety-one, entitled 'An act to revise and amend the charter of the city of Menominee, being act two hundred twenty-eight of the local acts of eighteen hundred eighty-three, entitled "An act to incorporate the city of Menominee," approved April nine, eighteen hundred ninety-one, and all amendments thereto," ap-

proved May twenty-second, nineteen hundred one, as amended, be amended to read as follows:

TITLE V.

SECTION 1. At the annual election to be held in said city on the first Monday in April in the year nineteen hundred six, there shall be elected on the city ticket by the qualified voters of the whole city, a mayor, who shall hold his office for the term of two years and until his successor is elected and qualified, and biennially thereafter a mayor shall be elected in like manner for a term of two years. At each annual election hereafter held in said city there shall be elected on the city ticket by the qualified voters of the whole city, a city treasurer who shall hold his office for one year, but no person shall be eligible for the office of city treasurer for more than two consecutive years. The justices of the peace now existing in said city shall hold their office until the term for which they were elected shall have expired; and thereafter there shall be elected annually one justice of the peace so that there shall be four justices in said city. There shall be elected in each ward at each annual election hereafter held, one alderman for the term of two years and one supervisor for the term of one year. The officers elected under the provisions of this section, except the assessor hereinafter provided for, shall enter upon the duties of their office on the second Monday in April of each year when elected and hold the same for the terms respectively for which they were elected and until their successors are qualified and enter upon the duties of their office except as herein otherwise provided. At the annual city election to be held in said city on the first Monday in April in the year one thousand nine hundred four, and every three years thereafter, there shall be elected by the qualified voters of the whole city an assessor who shall hold his office for three years, and until his successor shall be elected and qualified, and whose term of office shall commence on the first day of January next succeeding his election.

Officers elected, term of office, etc.

Assessor, term of office.

TITLE VI.

Sec. 44. The mayor may receive such salary, not exceeding the sum of five hundred dollars per year, as may be prescribed by the council; but this provision shall not be operative until the second Monday in April in the year nineteen hundred six. The aldermen may each receive such salary, not exceeding the sum of one hundred fifty dollars per year, as may be prescribed by the council; but this provision shall not be operative until the second Monday in April in the year nineteen hundred seven. The chief of police, city clerk, treasurer, city attorney, health officer and chief of the fire

Salaries.

department shall each receive such annual salary as the council shall determine by resolution. The compensation of supervisors for all services performed by them in connection with the reviewing of assessment rolls shall be such as the council may, from time to time, determine. Justices of the peace and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city, shall, except as herein otherwise provided, receive such compensation as the council shall determine.

This act is ordered to take immediate effect.

Approved May 23, 1905.

[No. 563.]

AN ACT to legalize the action of the common council of the city of Ludington in granting a thirty year gas franchise to the Ludington Gas Company on the tenth day of February, A. D., nineteen hundred five.

The People of the State of Michigan enact:

SECTION 1. The action of the common council of the city of Ludington in granting a thirty year gas franchise to the Ludington Gas Company on the tenth day of February, A. D., nineteen hundred five, is hereby legalized and made valid.

This act is ordered to take immediate effect.

Approved May 23, 1905.

[No. 564.]

AN ACT to amend sections two and four of act number three hundred sixty-eight of the session laws of eighteen hundred seventy-one, and acts amendatory thereof, entitled "An act to incorporate the union school district of the city of Owosso."

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Sections two and four of act number three hundred sixty-eight of the session laws of eighteen hundred seventy-one, and acts amendatory thereof, entitled "An act

to incorporate the union school district of the city of Owosso," are hereby amended to read as follows:

SEC. 2. At the annual meeting of said district, to be held on the second Monday in July in the year nineteen hundred five, the qualified voters thereof shall elect by ballot two trustees for the term of three years, who with the four trustees holding over shall constitute a board of education of six members for the said district, and annually thereafter said district shall elect two trustees for the term of three years, and all trustees shall hold their office until their successors shall have been elected and qualified. The manner of electing said trustees shall be by ballot from two o'clock in the afternoon of the day and at the place of holding such annual meeting of said school district until eight o'clock in the evening of said day. The two members of said board whose term of office last expire shall constitute an election board for said district, with all the powers conferred upon election boards at annual elections held in the city of Owosso. A ballot box for the deposit of ballots shall be furnished by said board of trustees; said election board shall keep a poll list of all persons voting at such elections and shall receive the ballots and deposit all legal ballots in the ballot box or boxes and immediately after the closing of the polls at eight o'clock p. m. shall canvass the ballots and certify the result when ascertained to the presiding officer at such annual meeting; who shall immediately declare the result of such election to the annual meeting. The two persons receiving the highest number of votes at such election shall be declared elected, and in case there are more than two trustees to be elected at any election in said district the persons receiving the highest number of votes to the number of such trustees to be elected shall be declared elected.

Election of trustees.

Manner of, etc.

Election board, who constitutes.

Ballot box, etc.

Canvass of votes.

SEC. 4. Said board shall have power:

Powers of board.

First. To appoint a superintendent of schools, and to define his powers and duties;

Second. To hire all necessary teachers and to fix the amount of compensation for such services;

Third. To classify and grade the several schools and determine the ages, qualifications, and terms for admission thereto, and the conditions for remaining therein, and which schools or departments scholars shall attend;

Fourth. To make such rules and by-laws as they may deem necessary for the preservation of the district, for the government of the schools thereof, and in reference to all other matters connected therewith;

Fifth. To adopt courses of study and text books;

Sixth. And to levy and collect such sums as they may deem proper for the tuition of each and every scholar taught in said schools, who is not actually a resident of the district.

This act is ordered to take immediate effect.

Approved May 24, 1905.

[No. 565.]

AN ACT to amend act number three hundred twenty-one of the local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Gladstone, in the county of Delta, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March twenty-seven, eighteen hundred ninety-three, as amended by act number three hundred forty-nine of the local acts of the State of Michigan for the year eighteen hundred ninety-seven, by amending chapter two, section three of chapter four, sections four and seven of chapter six and sections four and seven of chapter thirty.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Chapter two, section three of chapter four, sections four and seven of chapter six and sections four and seven of chapter thirty of act number three hundred twenty-one of the local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Gladstone, in the county of Delta, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March twenty-seven, eighteen hundred ninety-three, as amended by act number four hundred seventy of the local acts of the State of Michigan for the year eighteen hundred ninety-seven, and as amended by act number three hundred forty-nine of the local acts of the State of Michigan for the year eighteen hundred ninety-seven, are amended so as to read as follows:

CHAPTER II.

WARD LIMITS.

Wards,
boundaries,
of.

SECTION 1. The said city, for the time being, shall be divided into four wards: The First ward shall embrace all that portion of the city lying east of the following described lines: Commencing at the intersection of the west line of government lot number three, section number twenty-two, with the shore of Little Bay de Noc on the south; thence north along said west line of government lot number three to the intersection with the south line of Minneapolis avenue; thence westerly along said south line of Minneapolis avenue, to the intersection with the centre line of Sixth street; thence northerly along said centre line of Sixth street to an intersection of same with the line between sections twenty-one and twenty-two; thence north along said section line to the shore of Little Bay de Noc. The Second ward shall embrace all that portion of the city contained within the following

described boundaries: Commencing at the intersection of the west line of government lot number three, section number twenty-two, with the shore of Little Bay de Noc on the south; thence north along said west line of government lot number three to the intersection with the south line of Minneapolis avenue; thence westerly along said south line of Minneapolis avenue to an intersection with the centre line of Sixth street; thence northerly along said centre line of Sixth street to an intersection with the centre line of Minnesota avenue; thence westerly along said centre line of Minnesota avenue to an intersection with the centre line of Eleventh street; thence southerly along the said centre line of Eleventh street to an intersection with the centre line of Minneapolis avenue; thence westerly along said centre line of Minneapolis avenue to an intersection with the north and south quarter line through section number twenty-eight; thence south along said quarter line to an intersection with the shore of Little Bay de Noc on the south; thence easterly along the said shore of Little Bay de Noc to place of beginning. The Third ward shall embrace all that portion of the city contained within the following described lines: Commencing at the intersection of the east section line of section number twenty-one with the shore of Little Bay de Noc on the north; thence south along said section line to an intersection with the centre line of Sixth street; thence southerly along the said centre line of Sixth street to an intersection with the centre line of Minnesota avenue; thence westerly along said centre line of Minnesota avenue to an intersection with the centre line of Eleventh street; thence northerly along said centre line of Eleventh street to an intersection with the north line of Railway avenue; thence westerly along said north line of Railway avenue to the centre of said section number twenty-one; thence west along the east and west quarter line of said section number twenty-one to the west line of said section number twenty-one; thence north along the west line of said section number twenty-one and the west line of section number sixteen to an intersection with the city limits on the north; thence east along said city limits to the shore of Little Bay de Noc on the east side of government lot number one, section number fifteen; thence southerly, following the shore of Little Bay de Noc, to place of beginning. The Fourth ward shall embrace all that portion of the city contained within the following described lines: Commencing at the intersection of the north and south quarter line through section number twenty-eight, with the shore of Little Bay de Noc on the south; thence north along said quarter line to an intersection with the centre line of Minneapolis avenue; thence easterly along said centre line of Minneapolis avenue to an intersection with the centre line of Eleventh street; thence northerly along said centre line of Eleventh street to an in-

tersection with the north line of Railway avenue; thence westerly along said north line of Railway avenue to the centre of section number twenty-one; thence west along the east and west quarter line of said section number twenty-one to the west line of said section number twenty-one; thence north along said west line of section number twenty-one and the west line of section number sixteen, to the city limits on the north; thence west along said north city limits to the city limits on the west; thence south along said west city limits to the city limits on the south; thence east along said south city limits to the shore of Little Bay de Noc; thence northeasterly along said shore of Little Bay de Noc to the place of beginning: Provided, however, The persons holding the offices of supervisor, alderman and constable in the wards, the boundaries of which are hereby changed, shall continue to hold their respective offices until the next annual city election, and until their successors are elected and qualified; at which time, said offices shall become vacant. At said election there shall be elected in the wards, the boundaries of which are hereby changed, a supervisor and constable, who shall hold office for the term of one year, and until their successors shall have been duly elected and qualified. There shall also be elected two aldermen from each of said wards, who shall hold office, one for the term of one year, and one for the term of two years, and until their successors shall have been duly elected and qualified. Thereafter, all officers shall be elected and hold office in accordance with the provisions of act number three hundred twenty-one of the local acts of eighteen hundred ninety-three, and all acts amendatory thereof. There shall be a general re-registration of the electors in the wards, the boundaries of which are hereby changed, in the year nineteen hundred six, on the Friday and Saturday next preceding the annual city election of that year, in accordance with the general laws of the State of Michigan, relative to registration of electors, except as herein otherwise provided.

Proviso

Election of officers.

Term of office.

Registration.

CHAPTER IV.

ELECTORS AND REGISTRATION.

Board of
registration,
duties of.

SEC. 3. One of the aldermen of each ward, and a competent elector of each ward, to be designated by the city council, shall constitute a board of registration for each of the wards respectively. In case either member of such board of registration may be absent or unable to attend any meeting of the board of registration, the other member of said board may choose a competent elector of the said ward to act as member of the said board, subject to the approval of the electors present, to be determined by a viva voce vote. The members of the board of registration, other than the alder-

men, shall each take the constitutional oath of office before entering upon the discharge of their duties, to be administered by an alderman, a notary public or other officer authorized to administer oaths under the laws of this State. Each ward, unless otherwise subdivided, shall be an election district. On the Saturday next preceding a general election, and on the Saturday next preceding the day of the regular city election, or any special election, and on such other days as shall be appointed by the council, not exceeding three days in all, previous to any such election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session, it shall be the right of each person then actually residing in the ward or voting district, and who, at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register of such ward or voting district. At least two weeks previous to the commencement of any such session of the several boards of registration, the council shall fix the place in each ward and voting district of the city where the board of registration will meet, and at least eight days before such session of the board, the city clerk shall give notice by handbills posted in ten public places in each ward or voting district, and by publication in one or more newspapers printed in the city, of the time and place in each ward or voting district when and where the board of registration for such ward and voting district will meet. Except as in this act otherwise provided, the general laws of this State relating to the registration of electors in cities shall apply to the registration of electors in this city incorporated under or made subject to the provisions of this act. The boards of registration of this city, incorporated under this act, at their sessions previous to the general election in November, in the year nineteen hundred eight, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such re-registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year nineteen hundred twelve, and every fourth year thereafter. When such new registry shall be made, the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration, unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

Place of
meeting.

Notice of.

Re-registra-
tion.

New registry
to be used.

Notice.

CHAPTER VI.

OFFICERS.

Officers, ap-
pointment of,
when made.

SEC. 4. Appointments to offices by the council, except appointments to fill vacancies, and that of city assessor, shall be made on the first Monday in May, each year; but appointments which for any cause shall not be made on that day, may be made at any subsequent meeting of the council. The city assessor shall be appointed on the first Monday of March in each year.

Term of
office.

SEC. 7. All other officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices and the city assessor, shall hold their respective offices until the first Monday in May next after such appointment, and until their successors are appointed and qualified and enter upon the duties of their offices, unless a different term of office shall be provided in this act or in the ordinance creating the office; the city assessor shall hold his office for the term of one year from the first Monday in March, in the year when appointed, and until his successor is appointed, qualified and entered upon the duties of his office.

CHAPTER XXX.

EDUCATION AND SCHOOLS.

School meet-
ing, when
held.

SEC. 4. The annual school meeting under this act shall be held on the second Monday in July, in each year, at the central school building, or at such other suitable and convenient place in the district as the board of education may designate. The board of education shall cause notice of the annual meeting and of the time, place and object of holding the same, to be given by publishing such notice in one or more of the newspapers published and circulating in the city of Gladstone, and by posting five copies of said notice in some public place in each ward of said city at least ten days before the holding of such meeting.

Notice of.

Challenged
person, oath
for.

SEC. 7. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the chairman shall tender to him an oath, in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, that you have been for the last three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you pay a school

district tax therein;" and every person taking this oath shall be permitted to vote upon all questions proposed at such meetings. Or he may take the following oath, to-wit: "You do swear (or affirm) that you are a citizen of the United States; that you have been for the last three months an actual resident of this school district, or residing upon property now attached to this school district, and that you are the parent or legal guardian of one or more children now included in the school census of the district," and he may vote upon all questions which do not directly involve the raising of money by tax. If any person so challenged shall refuse to take such oath, his vote shall be rejected; and any person who shall wilfully take a false oath, or make a false affirmation, under the provisions of this section, shall be deemed guilty of perjury. When any question is taken in any other way than by ballot, a challenge immediately after the vote has been taken shall be deemed to be made when offering the vote, and treated in the same manner.

Rejection of
vote, upon
refusal to
take oath.

This act is ordered to take immediate effect.

Approved May 24, 1905.

[No. 566.]

AN ACT to revise and amend the charter of the city of Saginaw.

The People of the State of Michigan enact:

TITLE I.

SECTION 1. The municipal corporation known as the city of Saginaw shall be and continue to be a municipal corporation by the name of the City of Saginaw, and by that name shall be known in law, may sue and be sued, complain and be complained against, in any court of competent jurisdiction, have a common seal, and alter it at pleasure, may take, hold, occupy and enjoy, use and possess, purchase, lease, convey, encumber and dispose of any real, personal or mixed estate, for the use or benefit of said municipal corporation; and the inhabitants of said city from time to time shall be and continue to be a body corporate and politic by said name.

Name, body
politic, etc.

SEC. 2. The boundaries of said city shall be as follows, viz: Commencing at the center of the Saginaw river on the east and west quarter line of section thirteen, in township twelve north, of range four east, in the county of Saginaw and State of Michigan; thence west along the quarter line of sections thirteen, fourteen and fifteen to the west line of

Boundaries
of city.

said section fifteen, in said township; thence south on the west lines of sections fifteen, twenty-two, twenty-seven and thirty-four, in said township, and along the west line of section three in township eleven north, of range four east, in said county of Saginaw, to the center of the Tittabawassee river; thence easterly along the center of said river, to a point intersected by the east and west quarter line of section two, in said township eleven north, of range four east; thence east along said quarter line to the east line of said section; thence north along the east line of said section two to the northeast corner thereof; thence east along the north line of section one, in said township to the southwest corner of section thirty-one in township twelve north, of range five east, in said county; thence north along the west line of said section thirty-one to the northwest corner thereof; thence east on the north line of said section thirty-one to the northeast corner thereof; thence north along the east line of sections thirty, nineteen, eighteen and seven, in said last named township, to the center of the Saginaw river; thence southerly along the center of the said Saginaw river to the place of beginning.

Location of
wards and
boundaries.

SEC. 3. The territory comprising said city shall be divided into twenty wards. Wards first to twelfth inclusive shall be located upon the east, and wards thirteenth to twentieth inclusive shall be located upon the west side of the center line of Saginaw river. The particular boundaries of said wards upon the east side of the center line of Saginaw river shall be as follows after January one, nineteen hundred six, viz:

First ward.

All that part of said city east of the center line of Saginaw river, lying north of a line commencing at a point at the center of said river where crossed by the Pere Marquette railroad bridge; thence following the center of the main railroad track upon said bridge easterly to the center of Washington avenue; thence south on Washington avenue to the center of Potter street; thence easterly along the center line of Potter street to the center line of Third street; thence south on the center line of Third street to the center line of Carroll street; thence east on Carroll street to the center line of Eighth street; thence north on Eighth street to the south line of the right of way and property of the Pere Marquette Railroad company; thence easterly on the south line of said right of way and property of said Pere Marquette Railroad company to the east city line, shall constitute the First ward.

Second.

All that part of the city lying east of the center line of Saginaw river south of the first ward, west of the center line of Third street and north of the center line of Johnson street extended to the middle of Saginaw river, shall constitute the Second ward.

Third.

All that portion of the city east of the center line of Saginaw river, and lying between the center lines of Johnson

street, Third street and Janes avenue extended to the middle of Saginaw river, shall constitute the Third ward.

All that portion of the city south of the First ward lying ^{Fourth.} between the center lines of Third street, Sixth and Eighth streets, and Janes avenue, shall constitute the Fourth ward.

All that part of the city south of the First ward, lying ^{Fifth.} between the center lines of Seventh and Eighth streets and Janes avenue, and the east city line, shall constitute the Fifth ward.

All that portion of the city east of Genesee avenue, lying ^{Sixth.} between the center lines of Janes avenue and Walnut street, shall constitute the Sixth ward.

All that portion of the city lying west of the center line ^{Seventh.} of Genesee avenue, east of the center of Saginaw river, and between the center lines of Janes avenue and Hoyt avenue extended to the center line of Saginaw river, shall constitute the Seventh ward.

All that part of the city east of the center line of Saginaw ^{Eighth.} river, south of the center line of Hoyt avenue, west of the center line of Sheridan avenue and north of a line drawn by commencing at the center of the Flint and Pere Marquette belt line track, where the same crosses Sheridan avenue, and running thence west and southwesterly along the center of said belt line track to the intersection of the line with the center line of Washington avenue; thence northerly on Washington avenue to the center line of Court street; thence westerly on Court street to the center of Saginaw river, shall constitute the Eighth ward.

All that part of the city lying east of the center line of ^{Ninth.} Sheridan avenue, south of the center line of Hoyt avenue, and west of a line commencing at the center of Hoyt avenue at the intersection of Emily street; thence following the center line of said Emily street southerly to the center of the main track of the Michigan Central railroad; thence west on said railroad line to the intersection of the center line of Bagley street extended; thence south on the center line of Bagley street to the center line of Holland avenue; thence east on the center line of Holland avenue to the intersection of the quarter line of section thirty; thence south on said quarter line to the city line, shall constitute the Ninth ward.

All that part of the city lying east of the Seventh ward and ^{Tenth.} Ninth ward, and south of the Sixth ward, shall constitute the Tenth ward.

All that part of the city lying east of the center of Sag- ^{Eleventh.} inaw river, south of the Eighth ward, west of the center line of Sheridan avenue, and north of the center line of Gallagher street and the center line of Center street extended to the middle of the Saginaw river, and east of a line drawn on Mackinaw street and Washington avenue between the intersection of Center and Gallagher streets, shall constitute the Eleventh ward.

Twelfth. All that part of the city lying east of the center line of Saginaw river and south of the Eleventh ward, shall constitute the Twelfth ward.

Thirteenth. The particular boundaries of the wards upon the west side of the center line of Saginaw river shall be as follows after January one, nineteen hundred six, viz.: All that part of the city lying west of the center line of the Saginaw river, north of the center line of State street, west of the Pere Marquette railroad track between the eastern terminus of State street and Davenport avenue, north of Davenport avenue between said Pere Marquette railroad track and the center of Saginaw river, shall constitute the Thirteenth ward.

Fourteenth. All that portion of the city lying north and west of the center of Saginaw river, south of the Thirteenth ward, east of the center line of Woodbridge street, and north and east of the center line of Brewster street extended to the middle line of Saginaw river, shall constitute the Fourteenth ward.

Fifteenth. All that part of the city lying north and west of the Saginaw river, east of the center line of Woodbridge street and between the center lines of Brewster and Madison streets extended to the center of Saginaw river, shall constitute the Fifteenth ward.

Sixteenth. All that part of the city lying north and west of Saginaw river, east of the center line of Woodbridge street, and between the center lines of Madison and Adams streets extended to the center of the Saginaw river, shall constitute the Sixteenth ward.

Seventeenth. All that portion of the city lying north and west of the center line of Saginaw river, east of the center line of Woodbridge street, and between the center lines of Adams and Jackson streets extended to the center of the Saginaw river, shall constitute the Seventeenth ward.

Eighteenth. All that portion of the city lying within a boundary commencing at a point where the center line of Jackson street extended crosses the middle of Saginaw river; thence northwesterly along the said extended line of Jackson street to the center of Woodbridge street; thence southwesterly along the center line of Woodbridge street to the middle of Brockway street, thence northwesterly along the center line of Brockway street to the west city line; thence south on city line to the center line of Greenwich street; thence east along the center line of Greenwich street to the center line of Bullock street; thence south along the center line of Bullock street to the center line of Lee street; thence southeasterly along the center line of Lee street extended to a point where it intersects with the south section line of section twenty-six; thence east along the section line to the center of Saginaw river; thence to the place of beginning, shall constitute the Eighteenth ward.

Nineteenth. All that part of city lying south of the Eighteenth ward

and west of the center of Saginaw river, shall constitute the Nineteenth ward.

All that part of the city lying south of State street west Twentieth. of Woodbridge street and north of Brockway street shall constitute the Twentieth ward.

TITLE II.

OFFICERS—WHO ELECTED; WHO APPOINTED; QUALIFICATION;
OATH; REMOVAL; VACANCY; ELECTIONS; HOW CON-
DUCTED, ETC.

SECTION 1. The officers of said city shall be: One mayor, City officers and boards. one city treasurer, one city controller, one city assessor, one city clerk, one city attorney, one board of public works to consist of five members, one board of police commissioners to consist of three members, one board of review to consist of five members, one board of health to consist of five members, one board of park and cemetery commissioners to consist of five members, one board of water commissioners to consist of five members, one board of estimates to consist of five members, one deputy city treasurer, one deputy city controller, one deputy city assessor, one deputy city clerk, one city engineer, one city assistant engineer, one superintendent of public works, one chief of police, one chief of fire department, one assistant chief of fire department, one city physician, one health officer, one director of poor, one recorder, one justice of the peace, one clerk of police and justice's courts, and for each of said wards one alderman, one supervisor and one constable.

SEC. 2. The common council of the city of Saginaw may Officers, council to appoint. also appoint one inspector of foods and measures, one board of building inspectors, one factory inspector, one keeper of work house, alms house or hospital, one inspector of electricity, gas and meters, clerks of city markets, clerks for city officers, inspectors of firewood, hay or provisions, poundmasters, sealers of weights and measures, weigh masters, harbor masters, fire wardens, scavengers, and such officers or employees or boards of officers as are provided for in this act or may be deemed necessary by the common council, or as may be created by law or the ordinances of said city, and such appointments, except as herein otherwise provided, shall be made in such manner as the common council shall authorize and direct, and all such officers or appointees shall hold their office or positions during the pleasure of the common council unless otherwise provided in this act.

SEC. 3. A biennial city election shall be held on the first Elections, when held etc. Tuesday after the first Monday in November in every even numbered year in connection with the general State election held on the same day, and be conducted by the same officers.

A biennial city spring election shall be held on the first Monday in April in every odd numbered year in connection with the State judicial election held on the same day, and be conducted by the same officers.

City officers
elected at
November
election, term,
etc.

SEC. 4. The following officers of the city shall be elected at the biennial city election held on the first Tuesday after the first Monday in November in every even numbered year and every second year thereafter by the qualified electors of the city of Saginaw, voting in their respective wards and election districts on a general ticket, viz: One mayor, whose term of office shall commence on the first day of January following his election, and continue for a period of two years; one city treasurer, whose term of office shall begin with the fifteenth day of April, nineteen hundred seven. The term of office of the mayor and the treasurer each shall be for a term of two years thereafter.

Ward officers,
election,
term, etc

SEC. 5. At said city election in November in every even numbered year the following officers of said city shall be elected on a ward ticket in each ward and election district by the qualified electors thereof, viz: One alderman and one constable, whose term of office shall be two years and commence on the first day of January following said election and every second year thereafter.

Justice of
peace, when
elected, term.

SEC. 6. At the biennial spring election in the year nineteen hundred seven and quadrennially thereafter, one justice of the peace shall be elected to hold office for the term of four years from and after the fourth day of July succeeding his election.

Recorder,
term, etc.

SEC. 7. At the biennial spring election in the year nineteen hundred nine and quadrennially thereafter, one recorder shall be elected to hold office for the term of four years from and after the fourth day of July succeeding his election.

Supervisors.

SEC. 8. At the biennial spring election in every odd numbered year there shall be elected in each ward of said city by the qualified electors thereof at said election, one supervisor, whose term of office shall be two years and begin as soon as he is elected and has qualified.

Wards to
elect school
inspector,
April, 1905.

SEC. 9. At the biennial spring election in April, nineteen hundred five, the First, Third, Fifth, Seventh, Ninth and Eleventh wards of the eastern taxing district of said city shall elect one school inspector for a period of four years and quadrennially thereafter.

April, 1907.

SEC. 10. At the biennial spring election in April, nineteen hundred seven, in the Second, Fourth, Sixth, Eighth, Tenth and Twelfth wards there shall be elected in each of said even numbered wards of said district, one school inspector for a term of four years and quadrennially thereafter. The term of office of said school inspector shall commence on the third Monday in July following his election, upon his filing his acceptance and oath of office with the city clerk.

Term, when
to begin.

Eligibility to
office.

SEC. 11. No person shall be elected or appointed to any office created by this act, who has been or shall hereafter be

a defaulter to said city, or to the State of Michigan, or to any county, city or village therein, or who shall use public funds under his control contrary to law; and any person shall be considered a defaulter who shall refuse or neglect, for sixty days after demand made, to account for and pay over to the officer, board or body authorized to receive the same, any public money which has come into his possession. No person shall be eligible to any of said elective offices unless he shall then be an elector and resident of said city, nor shall he be eligible to any such office for any ward or district unless he shall then be an elector and resident of such ward or district; and when any officer elected or appointed for said city shall cease to reside in said city, or if elected or appointed for any ward or district, he shall cease to reside in such ward or district, his office shall thereby become vacant.

SEC. 12. An election shall be held in each ward and election district biennially as provided in section three of title two, at such places as the common council shall appoint, by a notice published at least six days previous to the election, in the official newspaper of the city, and by posting printed notices of the holding of said election and the registered voters and their place of residence in at least six public places in each ward and election district, at least six days previous to said election. Elections,
where held.

Notice.

SEC. 13. Whenever there shall be a vacancy in the office of supervisor, or when the incumbent shall by sickness or from any other cause, be unable to perform the duties of such office, the common council of said city may make temporary appointment of a suitable person to fill such vacancy, and such person so appointed shall take the oath of office, as required by law, and shall continue to discharge such duties until the said office shall be filled by election, or until the disability aforesaid be removed. Vacancy in
office of
supervisor.

SEC. 14. The common council, at its first regular meeting in the month of January, A. D., nineteen hundred seven, or as soon as may be thereafter, shall elect by viva voce majority vote of all the aldermen elect, one city controller, one city assessor, one city clerk, one city attorney, one city physician, one city health officer, one city director of poor, keepers of bridges, one clerk of police and justice's courts, one janitor city hall, one watchman city hall, one harbor master, pound-masters, one messenger, one inspector of foods and measures, and such other officers or employes of said city as may be provided for by law, the election of whom is given to the common council of the city of Saginaw. As vacancies occur in any of the offices or positions designated in this section, the common council shall fill the same by like election of persons for the unexpired portion of said term or terms. The term of office of each of said officers shall be for two years, their several terms of office to commence in January of every odd numbered year, and they shall enter upon their duties as soon as When council
to appoint
officers.

Terms, when
to begin, etc.

Proviso. elected and qualified: Provided, The terms of all of said officers and employes named in this section, heretofore elected by the common council, shall be extended to, and they shall respectively hold their offices until their successors have been elected or appointed and have qualified.

Removals from office. SEC. 15. Any elective or appointive officer of the city, except a judicial officer, may be removed by the common council for official misconduct, or for unfaithful or improper performance of the duties of his office, or because such officer is ineligible to hold the office for which he was elected or appointed. The proceedings in that behalf shall be entered in the records of its proceedings: Provided, That a copy of charges against such officer sought to be removed, and notice of the time and place of hearing the same, shall be served on him at least ten days previous to the time so assigned, and opportunity given him to make his defense thereto. If personal service cannot be had upon such officer, a copy of such charges and notice aforesaid, shall be left at his last place of residence within the city, with some suitable person of proper age. An affirmative vote of two-thirds of all the alderman [aldermen] elect of the common council shall be necessary to remove such officer. The provisions of this section shall apply to the clerk of the police and justice courts. Judicial officers of the city shall be removed for the same cause and in manner provided for by the statutes of the State.

Proviso as to charges.

Council may subpoena witnesses, etc. SEC. 16. For the purposes hereof the common council shall have power to issue subpoenas to compel the attendance of witnesses, to examine witnesses upon oath, to be administered by the presiding officer, and to compel the production of papers, books, letters and written or printed documents of any kind, when necessary, and shall proceed within ten days after service of a copy of the charges as hereinbefore provided, to hear and determine the case. If any such officer shall neglect to appear and answer such charges his default shall be deemed good cause for his removal from office.

Mayor may suspend officer. SEC. 17. The mayor may suspend any officer appointed by him, or nominated by him and confirmed by the common council, at any time for neglect of duty, misconduct or other sufficient cause: Provided, That a written complaint under oath shall be preferred against said officer and filed with the city clerk. Said complaint shall be reasonably certain as to time, place and offense, or offenses, charged therein, and a copy thereof served personally on such person or left with a person of suitable age at the last known place of residence of such suspended person, within three days after such suspension. The said officer shall have the privilege of filing answer to said complaint within five days after service of copy of said complaint as above provided. The council shall hear such complaint and defense thereto, if any, at the next regular meeting thereof: Provided, Said regular meeting shall occur within a time not less than ten and not more than fifteen days after

Proviso as to complaint.

Answer.

Proviso as to meeting.

the date of the filing of said complaint, otherwise a special meeting shall be called for the purpose of such hearing, and within the time herein limited. Should no complaint be filed within the time herein provided, or be not sustained at the hearing thereof, said officer may resume the duties of his office as if such suspension had never been made. The mayor shall at all times have authority to examine and inspect the books, records and papers of any agent, employe or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

SEC. 18. On the third Saturday preceding the biennial general election held in November, and the third Saturday preceding the biennial general spring election held in April in said city, a registration shall be made in each ward and election district in the manner hereinafter provided in sections forty-two, forty-three, forty-four and forty-five of title two of this charter of all the qualified electors resident therein not already registered. On the day of election held by virtue of this act, the polls shall be open in each ward and election district thereof, at the several places designated by the common council, at seven o'clock in the morning and shall be kept open, without intermission or adjournment, until five o'clock in the afternoon, at which hour they shall be finally closed. When changes shall be made in any ward or wards or a new ward shall be formed in whole or in part from the territory of other wards, or when a ward shall be divided into voting districts, the name of each registered elector known to have been transferred by such change from one ward to another ward, or to a new ward, or from one voting district to another, shall be copied by the city clerk into the register of the ward or district to which the transfer was made, and be stricken from the register of the ward or district from which the elector was transferred by the change, and said elector notified thereof by mail.

Registration,
when held.

Opening and
closing of
polls.

When clerk
to re-register
elector.

SEC. 19. The inhabitants of the said city being electors under the constitution of this State, and no others, are declared to be electors under this act, and qualified to vote at the elections held by virtue of this act; and each person offering to vote at any such election, if challenged by an elector of said city before his vote shall be received, shall take one of the oaths now, or at any time hereafter, provided by the general laws of this State, unless such person shall claim to be an elector under the proviso named in section thirty-six of this title, and in that case the oath shall be varied according to that proviso, which oath shall be administered to him by one of the inspectors of election.

Who deemed
electors.

Oath.

SEC. 20. There shall be a board of inspectors of election in each ward, or in case of the division of any ward into election districts, then in each of said districts, said board shall be composed of four members, to consist of a supervisor and alderman, when eligible and not prevented for any reason

Board of in
spectors of
election, how
composed, etc.

	from serving, and citizens from said ward to be selected in the manner herein provided, and no more than two of said election inspectors shall belong to the same political party. At least one week prior to any municipal, general, or special election the common council shall designate such a number of citizens of each ward, as shall, together with a supervisor and alderman, who are eligible and intend to serve, constitute four inspectors for each district or each ward not divided into districts. At the hour for opening the polls at any such election, the electors of the district or ward present at any polling precinct shall, in the absence of any of the said inspectors herein provided for, choose viva voce such number of electors of such ward or district to serve as inspectors as shall, with the said inspectors, appointed by the common council, supervisors and aldermen present, constitute such board of four inspectors, who shall be the inspectors of election for that district or ward during that election. An alderman, if present, shall act as chairman of said board, but if not present the board shall select one of their own number as chairman. Said board shall also choose one of their own number to act as clerk and shall appoint one other elector as second clerk of said board: Provided also, That said clerks shall both not be members of the same political party. Each of said persons so appointed as inspectors of election and clerk shall take the constitutional oath of office; each member of said board shall be authorized to administer such oath or any oath required to be taken by any person at said election. In case of the inability of any of the inspectors to serve during the time of said election, the vacancy on said board may be filled by viva voce vote of the members of said board present. Said inspectors and clerks of election shall receive such compensation for their services as shall be fixed by the common council prior to said election.
Chairman, clerks.	
Proviso	
Vacancy, how filled	
Compensation.	
Ballots how prepared, etc	SEC. 21. At all elections held under this act the electors shall vote by ballot, to be prepared, printed and furnished in the manner, now or hereafter provided by the general laws of this State. Such elections shall be conducted, as near as may be in the manner now or hereafter provided for holding general elections in the State, except as herein otherwise provided; and the inspectors of such election shall have the same power and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes as are or may hereafter be conferred by law upon inspectors of election in this State. The common council shall provide the necessary ballot boxes for each ward and election district, with locks, seals and keys, in which ballot boxes votes cast shall be deposited.
Conduct of elections.	
Ballot boxes.	
Board of election commissioners, appointment duties.	SEC. 22. The council shall at least ten days previous to any municipal election appoint a board of three election commissioners, not more than two of whom shall belong to the

same political party, who shall be the board of election commissioners for such city for such election, and they shall perform such duties relative to the preparation and printing of ballots for city or ward elections, as are required by law or of the boards of election commissioners of counties. Said commissioners shall deliver the ballot boxes, keys and tickets at least one and not more than two days prior to an election to the inspectors of election of each ward or voting precinct in said city. Said inspector shall be responsible for the safe keeping of the same.

SEC. 23. If at any biennial election to be held in the said city there shall be one or more vacancies to be supplied in an office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for, for the said office, shall be designated on the ballot.

Vacancies to be designated on ballot.

SEC. 24. Immediately after the closing of the polls the inspectors of election shall forthwith, without adjournment, publicly canvass the votes received by them and declare the result; and shall on the same day, make a certificate, stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or as soon as completed, with the clerk of the city.

Canvass of votes.

Statement of result.

SEC. 25. It shall be the duty of the inspectors of election, on receiving the votes, to cause the same, without being opened or inspected, to be deposited in the proper box provided by the common council for that purpose; the said board shall also write down or cause to be written down, the name of each elector voting at such election, in a poll list to be kept by said inspectors of election, or under their direction. The manner of canvassing and counting thereof shall be the same as is now or may hereafter be provided by the general laws of the State, for the canvass and count of votes by inspectors of election.

Duty of inspectors.

Canvass, general laws to govern.

SEC. 26. The person receiving the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, the common council shall take, at the meeting thereof provided for in section twenty-seven as many strips of paper of equal size and appearance as there are persons having an equal number of votes, and write a ballot for each of such persons, one on each of said slips of paper, and shall put such ballots together in a hat or box, and one of the members of the common council shall then draw from said hat or box one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

Who deemed elected.

Tie.

SEC. 27. The common council shall convene on the Wednesday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting, and the state-

When council to determine result.

Certificates, where filed. ments of votes filed with the clerk of the city by the inspectors of election shall be produced by said clerk, when the common council shall forthwith determine and certify, in the manner provided by law, what persons are duly elected at the said election to the several offices respectively. Such certificates shall be made in duplicate, one of which shall be filed with the clerk of the city and the other with the clerk of the county of Saginaw.

Clerk to notify persons elected. **SEC. 28.** It shall be the duty of the clerk of said city, as soon as practical, and within two days after the meeting of the common council, as provided in the preceding section, to notify the officers, respectively, of their election; and the said officers so elected and notified as aforesaid, shall, before they enter on the duties of their respective offices, and prior to the commencement of the term for which they were elected, take the oath of office, prescribed by the constitution of this State before some other officer authorized by law to administer oaths, and file the same with the clerk of the city, and the justice of the peace and recorder shall also file their oath of office with the county clerk.

To take and file oath.

When special election held to fill vacancy. **SEC. 29.** Whenever a vacancy occurs in the office of mayor or alderman, by his refusal or neglect to take the oath of office, prior to the commencement of his term, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, except as hereinbefore provided, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election to be held in the several wards of the city, or the ward for which such officer was chosen, at suitable places therein, not less than five days nor more than fifteen days from the time of such appointment: Provided, That, in case any such vacancy shall occur in the said office of mayor or alderman within three months before the biennial general election of any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Proviso.

When council may appoint to fill vacancy. **SEC. 30.** If a vacancy occurs in any elective office other than that of mayor, alderman, justice of the peace and recorder, the common council shall appoint some person eligible under this act, unless otherwise provided, to serve in such office until the next biennial election, when the vacancy shall be filled for the remainder of the official term, unless otherwise provided in this act. No office shall be deemed vacant under this or the preceding sections of this title, excepting in case of death, resignation, expulsion, permanent disability or removal from the city of the person appointed or elected to such office. If an elective office which shall have become vacant, is of that class the term of which continues after the next biennial election, a successor for the unexpired term shall be elected at the next biennial election.

SEC. 31. Whenever a special election is to be held, under the provisions of law, or by order of the common council, the city clerk shall cause to be delivered, to the inspectors of election, in the ward or wards where such officer is to be voted for, a notice to be signed by him, specifying the officer to be elected, and the day and place at which such election is to be held, and the proceedings at such election shall be the same as at the biennial elections; such notice shall also be published in the official newspaper of the city, at least once, and posted in five public places in the city or ward, as the case may be, before the day of such special election.

Notice of special election, by and to whom given, etc.

SEC. 32. Every person appointed by the common council, before he enters upon the duties of his office, and within five days after being notified of his appointment, shall cause to be filed in the office of the city clerk a notice in writing signifying his acceptance to such office.

Acceptance of appointee.

SEC. 33. If any person elected or appointed under this title, shall not take and subscribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such office by another incumbent, such oath shall be taken, or such acceptance be signified as aforesaid.

Neglect to file bond, take oath, etc.

SEC. 34. At the expiration of twenty days after any election or appointment of any officer or officers in the said city, the clerk of the said city shall deliver to the common council a list of the persons elected or appointed, and of the offices to which they are chosen, specifying such as have filed with him the oath of office, or notice of acceptance required by this act, and the official bond, if one is required, and such as shall have omitted to file the same within the time herein prescribed.

Clerk to deliver to council list of persons elected, etc.

SEC. 35. Resignations by any officer authorized to be elected or appointed by this act, shall be made to the common council, subject to their approval and acceptance.

Resignations.

SEC. 36. At all city elections, every elector shall vote in the ward and district where he shall have resided twenty days next preceding the day of election, otherwise he may vote in the ward and district from which he removed: Provided, He shall have resided in said ward twenty days prior to such removal.

Where elector to vote.

Proviso.

SEC. 37. At any election held under this act, if for any cause, either or all of the inspectors of election shall fail to attend any such election at the appointed time and place, his or their place may be supplied for the time being, by the electors present, who shall elect any of their number, viva voce, who, when so elected, shall be duly sworn, by an

Board of inspectors, vacancy in.

officer authorized to administer oaths, to a faithful performance of their duties.

Expenses of election.

SEC. 38. The expenses of any election to be held as provided by this act, shall be city charges, and defrayed in the same manner as the other contingent expenses of the city.

Officer to continue until successor elected, etc.

SEC. 39. Any person elected to any office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected, or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Office of alderman not vacated by change in ward, etc.

SEC. 40. No election of aldermen or ward officers shall be held in any newly established ward, or in any ward, on account of changes in the boundaries thereof, previous to the next biennial city election; nor shall the office of any alderman or other officer elected in any ward be vacated by reason of any change in such ward; but any such alderman or other officer shall, during the remainder of his term, continue in office and to represent the ward including the place of his residence at the time of the change of the boundaries of the ward, unless the office become vacant for some other cause.

Compensation of officers and boards.

SEC. 41. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services: Salaries for the city officers herewith enumerated shall be as follows: Mayor, one thousand dollars per year; treasurer, two thousand eight hundred dollars per year; deputy treasurer, one thousand two hundred dollars per year; controller, two thousand one hundred dollars per year; deputy controller, nine hundred dollars per year; assessor two thousand dollars per year; deputy assessor, nine hundred sixty dollars per year; attorney, one thousand eight hundred dollars per year; clerk, one thousand five hundred dollars per year; deputy clerk, nine hundred dollars per year; engineer, one thousand nine hundred eighty dollars per year; superintendent of public works, one thousand five hundred dollars per year; chief of police, one thousand five hundred dollars per year; chief of fire department, one thousand five hundred dollars per year; police judge and recorder, one thousand two hundred dollars per year; justice of the peace, one thousand two hundred dollars per year; clerk of city courts, nine hundred dollars per year; physician, nine hundred dollars per year; health officer, four hundred twenty dollars per year; director of the poor, one thousand eighty dollars per year; inspector of foods and measures, one thousand two hundred dollars per year; inspector of electricity, gas and meters, one thousand dollars per year; all salaries above mentioned to be paid monthly; aldermen to be paid five dollars per session of the common council when in actual attendance;

members of all city boards, except board of public works, one dollar per regular session for each member in actual attendance, to be paid semi-annually; members of board of public works, three dollars per regular session for actual attendance, to be paid semi-annually: Provided, Each member of the board of review shall receive three dollars for each session of said board attended by him, and each member of the board of estimates shall receive one dollar for each regular or special meeting of said board attended by him.

Proviso, as to board of review.

SEC. 42. Each ward shall be an election district by itself, but it shall be lawful for the common council, in its discretion, at any time preceding any general or municipal election, to divide the several wards of the city, or either of them, in the manner now or hereafter provided by the general statutes of the State, into convenient election districts, for holding elections, and in case of such division, the provision of the general laws of this State, now or hereafter in force, so far as applicable, and of this act, relating to elections, shall be applicable to such election districts. The board of registration in each ward and election district shall consist of two persons who are not both members of the same political party, to be constituted as hereinafter provided. The common council, at least thirty days prior to any general or municipal election, shall appoint such a number of the electors of each ward to act with the aldermen, if any, who are eligible and intend to serve, as shall constitute a board of two in each election district, and in each ward which is not divided into election districts. At the hour appointed for said board of registration to meet, the electors of any ward or election district present at the place of registration may elect, viva voce, an elector of said ward to fill any vacancy on said board, caused by the absence of any member of said board: Provided always, That the members shall belong to different political parties. Each elector shall vote in the ward and district in which he resides, except that an inspector of election in any district may vote in any district where he is acting as inspector.

Election districts.

Board of registration, appointment, etc.

Proviso.

Voting district.

SEC. 43. The common council of said city shall cause a session of the board of registration of each ward or election district of said city to be held on the first Monday in October, in the year nineteen hundred eight, and on the first Monday in October in every fourth year thereafter, for the purpose of making a re-registration of the qualified electors of each ward or election district in said city, and for such purpose, the alderman of each ward and an elector, or electors thereof to be appointed, as provided by the preceding section, shall constitute the board of registration of such ward, and in case any of the wards shall be divided into election districts, the common council may appoint the neces-

Re-registration, when, by whom made, etc.

Notice.	<p>sary number of electors of said ward to act as a board of registration for any election district which would otherwise be without such board. Said board shall cause a like notice of such meeting and registration, and of the time and place of holding the same, to be published and printed in like manner, and for the same period as is required by section two of act number one hundred seventy-seven of the session laws of eighteen hundred fifty-nine, entitled "An act further to preserve the purity of elections and guard against the abuses of the elective franchise by a registration of electors," approved February fourteen, eighteen hundred fifty-nine, being paragraph eighty-five of Howell's Annotated Statutes and the acts amendatory thereof. The said several ward or district boards shall be in session on the first Monday in October as aforesaid, and as may be determined by the common council, for not less than two nor more than five of the next succeeding days thereafter, from nine o'clock in the morning to one o'clock in the afternoon, and from four o'clock to eight o'clock in the afternoon, and shall be provided with suitable records for registering the names of voters, and shall have the same powers and perform the same duties as are conferred upon or required of boards of registration under the act aforesaid, and the same rules and requirements shall be observed in such registration in all respects, as were required in the original registration under said act, except, however, as said powers, duties, rules and requirements are changed by this act. When such registration shall be completed, the former registry of electors in such ward or district shall henceforth be deemed invalid, and shall not be used at the ensuing elections. No person shall vote at any public election in such wards or districts, and after such re-registration, whose name shall not be registered anew under the provisions of this section, or be afterwards properly entered on such new register according to the provisions of the act aforesaid or of this act.</p>
Sessions of boards.	
Board to review, etc., register.	<p>SEC. 44. At the session of the board of registration in the several wards or election districts, except a year in which a new registration has been made, they shall review and complete the list of qualified voters, as provided by law, and in order to prevent, so far as possible, the blotting, mutilation or disfigurement of said registration of electors, it is enacted that no name shall be entered in such registers, excepting in the handwriting of one of the board of registration, and then only by direction of the proper board during its session, and no member of said board shall write or make an entry in said register, excepting the same be permitted by law, and no other person shall make any entry or mark whatever therein, excepting inspectors of election, as provided by this act: Provided, That any elector desiring to enter his name in his own handwriting may do so, if the board shall have decided that such elector is entitled</p>
Entering of names.	
Proviso.	

to be registered, but when any person shall have ceased to be an elector of any board or election district, the board of registration for such ward or district at its session may note the fact in red ink across the name of such elector, in addition to the marks provided to be set opposite his name by law. No name shall be entered in said register, excepting upon the personal application of an elector, who shall appear at the place of registration, desiring his name to be registered, and upon due examination made, as required by law. The name of no person but an actual resident of the ward or district at the time of the registration, and entitled to remain such resident, to vote at the then next general or charter election, shall be entered in the register. The board of registration in each ward and district, shall require each applicant for registration to state whether he has previously been registered in, or resided in any other ward or district, making a record of his former residence or last voting place in connection with his new registration. Each board shall make a separate list of the new registrations made at their then session, particularly specifying in such lists those who have previously resided, or been registered in any other ward or district, noting the previous place of residence of such person, and shall deliver such separate list to the city board of registration, at its session hereinafter provided to be held.

Who entitled
to registration.

Separate list
to be delivered
to city board
of registration.

SEC. 45. The board of registration which shall be composed of the members of the boards of registration assigned to the several wards and election districts of the city shall, in the year in which a re-registration shall be held, assemble at the common council chamber on the Saturday preceding any election, to be held in said city, excepting special elections, held for the election of ward officers, at nine o'clock in the forenoon. On the organization of said city board, by appointment of a chairman and clerk, said city board shall proceed to examine the register of electors of the several wards and districts of said city; said board may correct any errors appearing therein, but no new name shall be added thereto, or marked so as to indicate that any person has ceased to be an elector in any ward or district, excepting as provided in this section. Whenever said board shall find that any person is registered in two or more wards of said city, the board shall ascertain the ward or district in which such person is entitled to be registered, and shall indicate in the register of any other ward or district the fact that such person is not entitled to vote in such other ward or district, retaining the name of such person in the ward or district in which such person is entitled to vote; said board may register any person applying to be registered in the ward or district in which such person is entitled to vote; said board may register any person applying to be registered in the register of the district or ward in which said applicant resides: Provided, Said board shall require such applicant to state positively, on oath or affirmation,

City board of
registration,
meeting,
organization,
duties, etc.

Provide as to
answers.

which oath or affirmation any member of such board may administer, to answer to such questions as shall be asked him, touching his right to be registered by said board, that he has resided in such ward or district at least twenty days preceding the session of said city board, designating particularly the place of his residence, and that he possesses the other qualifications of an elector under the constitution, stating such qualifications; and that owing to the sickness or bodily infirmity of himself or some near relative residing in the same household (giving the name of such relative) or owing to his absence from the city on public or official business, or on his own business, and without intent to avoid or delay his registration during the then last session of the board of registration in the ward or district in which he resides, he has been prevented from causing his name to be previously registered, or that he was not registered in the ward or district of his then residence, during the then last session of the board therein, because of his not having resided in such ward or district twenty days prior to the conclusion of the said session of said board, and that he moved into the said ward or district (stating the time he so moved) and has continued since to reside therein, with intent to become a resident thereof, and if, furthermore, some qualified elector of said city, and not a candidate for office at the then approaching election, shall take an oath before said board, which oath any member of said board may administer, that he has in fact resided in said ward or district at least twenty days prior to the then session of said city board, and that he has good reason to believe, and does believe, that all the statements of such applicant are true. Said board may question such applicant or qualified elector as they may think proper, in order that they may be satisfied of the truth of such statement. If they shall deem such applicant a qualified elector of such ward or district and entitled to be registered, they shall direct the chairman of the board to register the name of the applicant, with the date of registration, and his place of residence, in the register of the ward or district in which he is entitled to vote. Said board may employ an interpreter in case either said applicant or qualified elector shall be unable to speak the English language; who shall be sworn by one of said board to truly interpret the oath of said applicant and elector, and to interpret to them said questions and answers made thereto to said board. If such applicant or such qualified elector, shall in such manner wilfully make any false statement, or if said interpreter shall wilfully and falsely misstate such oath, questions or answers, he shall be deemed guilty of perjury, and on conviction be subject to the pains and penalties thereof. No name shall be added to any of said registers by said city board of registration, or entries made therein by said board, unless at least one member of the board assigned to the ward or district in

May employ
interpreter.

the register of which said name is added or entry made shall be present.

SEC. 46. When any person shall apply to the inspectors of any election, excepting special elections for ward officers, who has not been registered by said inspectors, alleging that he was absent during the entire time of the last session of the board of registration of the ward or district, said inspectors shall require such applicant to state, on oath, in addition to the statement required by section fourteen of said act number one hundred seventy-seven, approved February fourteen, eighteen hundred fifty-nine, that he was absent from the city during the entire time of said session, and during the entire time of the session of the city board of registration on the Saturday preceding such election.

Absence of elector during registration.

SEC. 47. When the common council shall order a special election to be held in any of the wards of said city for the election of ward officers, said council, by resolution, shall direct the city clerk to notify the board of registration that last held its session in said ward, to review and complete the list of qualified electors of said ward, on a day and at a place to be named in said resolution. Notice of the time and place of such session of said board shall be published in the official paper of the city for at least four consecutive days prior to such session. It shall not be necessary to insert in such notice the names of the registered electors, or post hand bills containing the same, as in case of general or charter elections. The provisions of the aforesaid act number one hundred seventy-seven, and of this act, or so much thereof as may be applicable, shall govern and regulate the action of said board, each member thereof and all other persons, in reviewing and completing the register of electors at such session; and all persons are hereby made liable to the penalties prescribed therein for any violation of the same at such session, as if the same were here enacted. In case there shall be any vacancy in the then board for such ward or district, the same shall be filled as provided by law.

Special election, board to review register, etc.

Notice.

Laws to govern.

TITLE III.

COMMON COUNCIL—WHO SHALL CONSTITUTE; POWERS; DUTIES; PROCEEDINGS.

SECTION 1. The legislative authority of the city under this act shall be vested in the common council. The mayor and aldermen of said city shall constitute the common council. They shall meet at such times and places as they shall from time to time appoint, and on special occasions, whenever the mayor or person officiating as mayor (in case of vacancy in the office of mayor, or of his absence from the city, or inability to officiate) shall, by written notice, ap-

Who to constitute.

Meetings.

point, and which shall be served on the members in such a manner and for such a time as the common council may by ordinance direct.

Mayor to
preside.

SEC. 2. The mayor shall preside at the meetings of the common council, but shall not vote or cast a ballot at said meetings excepting when a tie exists or an equal number of ballots have been cast for and against any question, in which case his vote shall be recorded or ballot deposited as a member of said body, and it shall be the duty of the common council, on the second Monday in January in each year, to elect one of their number president, who shall preside at the meetings of the common council in absence of the mayor. The member elected president shall be acting mayor in case of the absence from the city, or on account of the inability of the mayor to act, but shall vote upon all questions as an alderman: Provided, That in the absence of the mayor and president, the common council shall appoint one of their number, who shall preside.

President.

Proviso.

Ordinance
how vetoed,
repassed, etc.

SEC. 3. No ordinance or resolution passed by the common council, authorizing any public improvement, or for or concerning the same; or for the payment of any money by the treasurer or the creation of an indebtedness or liability against the city, shall have any force or effect if the mayor or other officer legally exercising the office of mayor, shall, within forty-eight hours after the passage of such ordinance or resolution, lodge in the office of the city clerk his reasons in writing why the same should not go into effect, unless it shall, at a subsequent meeting of the common council, be passed by a two-thirds majority of all the members of the common council elect, exclusive of the mayor, or other officer legally discharging the duties of mayor, and if so repassed, it shall go into effect according to the terms thereof. No ordinance or resolution of the common council, for any of the purposes mentioned in this section, shall go into operation until the expiration of forty-eight hours after its passage. It shall be the duty of the city clerk to communicate to the common council, at the next meeting thereof, any paper that may be lodged with him pursuant to the provisions of this section.

Members to
have one vote.

SEC. 4. In all proceedings and meetings of the common council, each member present, excepting the mayor, as provided in section two of this title, shall have one vote.

Council to pre-
scribe rules,
etc.

SEC. 5. The common council shall prescribe the rules for the transaction of its business, and for its proceedings, which rules shall have the effect of law, as to the regularity and the recording of said proceedings, and may prescribe, in said rules, penalties for the non-performance of the duties of alderman, city clerk, or other officers of said common council.

Sessions
public.

The sessions of the common council shall be public, except when the public interest shall, in their opinion, require secrecy. The minutes of the proceedings shall be kept by

the city clerk, and shall be open at all times to public inspection.

SEC. 6. A majority of the aldermen elect shall be a quorum of the common council for the transaction of business. In case a quorum shall not attend any regular meeting, any number present less than a quorum, may adjourn said meeting, to the next regular meeting, or to any time prior to the next regular meeting, and require the clerk to give notice thereof, as of special meetings, and such adjournment shall operate to carry with it all business and proceedings postponed to, or set down or noticed for such regular meetings, or for any special or adjourned meeting; and no business or proceedings postponed, or set down or noticed for by any special, regular or adjourned meeting, shall lapse or fail, or become invalid or lose its precedence on the order of business by reason of a failure to hold such meeting, but the same shall go over to be acted upon at the next regular or adjourned or special meeting. No public improvement shall be ordered, nor any tax or assessment shall be levied or confirmed, nor any work, services or labor authorized to be done, or material purchased, nor any contract awarded or let, nor any money appropriated to be paid for, or out of, or by means of any special assessment or tax, or from the city treasury, except by a majority vote of all the members elect of the common council: Majority vote for improvement, etc. Provided, No member of the common council shall be excluded from voting upon any question of improvements, levying assessments or taxes, for any reason of personal or private interest in said improvement, assessment, taxes, or any property to be affected by it; nor shall such vote prejudice, void or invalidate any action by the common council by reason or on account of any such interest. On all questions ordering any public improvement, levying or confirming any tax, approving any contract or bond, appropriating or expending any moneys, and on the final passage of any ordinance, the names of the members voting for or against the same, by yeas and nays, shall be entered upon the record of the proceedings. Proviso. Vote to be recorded.

SEC. 7. No member of the common council shall, during his continuance in office, be directly or indirectly interested as principal, surety or otherwise in any contract with the city, or with any public board thereof, over which the common council have any control; nor shall he be competent, during the term for which he shall have been elected, to hold any office, the appointment to which is made by the common council, and the salary, compensation or fees for which are payable out of the city treasury. Personal interest in contracts, etc.

SEC. 8. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the Control of city property.

Further powers.	same as they shall deem proper and necessary; and they shall have the power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable within said city, for the following purposes:
Vice; disturbances.	First, To prevent vice and immorality, to preserve peace and good order, to regulate the police of the city, to prevent and quell riots, disturbances and disorderly assemblages;
Disorderly houses, billiards, etc.	Second, To restrain and prevent disorderly and gaming houses, and houses of ill fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;
Liquors, auctions.	Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of the State, and to forbid the selling or giving to be drunk any intoxicating liquors to any child or young person without the consent of his or her parents or guardian, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sale authorized by law, and to fix the fees to be paid by and to the auctioneers;
Sports, circuses, etc.	Fourth, To prohibit, restrain, license and regulate all sports, exhibitions of all natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money;
Nuisances, etc.	Fifth, To abate or remove nuisances of every kind and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the city; to compel the owner, lessee or agent to remove buildings that are liable to fall by reason of being burnt, decayed or not properly erected;
Combustibles, etc.	Sixth, To direct the location of all slaughter houses, markets and buildings for storing gunpowder or other combustible materials, and to regulate the manner of keeping the same;
Firearms, bonfires.	Seventh, To regulate, restrain or prohibit the buying, selling, carrying and using of firearms, weapons, gunpowder, firecrackers or fireworks, manufactured or prepared therefrom, or from other combustible material, and the exhibition of fireworks, and the discharge of firearms, and the lights in barns, stables, or other buildings, and to restrain and prohibit the making of bonfires in streets, yards, alleys and other public places;
Encumbering of streets.	Eighth, To prevent the encumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves or slips in any manner whatever;

Ninth, To prevent and punish horse racing and immoderate riding or driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate riding or driving in any street; and to prevent any person from leaving a horse or horses or other animals standing upon the street of said city without being securely tied, held or fastened so as to prevent their escape;

Immoderate driving.

Tenth, To determine and designate the routes and grades of any railroad to be laid in said city, and to regulate the use of locomotives, engines and cars upon the railroads within the city; to compel such railroads to erect and maintain safety gates at street crossings;

Grades, etc., of railroad.

Eleventh, To regulate, restrain or prohibit bathing in any public water, and to provide for the cleansing of the Saginaw river of driftwood and other obstructions;

Bathing, etc.

Twelfth, To restrain and punish drunkards, vagrants, mendicants, street beggars and persons soliciting alms or subscriptions for any purpose whatever;

Drunkards vagrants.

Thirteenth, To establish one or more pounds, and to restrain, regulate or prohibit the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of their keeping and impounding;

Pounds.

Fourteenth, To regulate and prevent the running at large of dogs; to impose taxes upon the owners of dogs, and to punish dog fights and those engaged in aiding and abetting the same, in the streets and elsewhere in said city; to provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; to require them to be muzzled and to authorize the killing of dogs not licensed or running at large in violation of the ordinances of the city; and to authorize the killings of dogs impounded, which shall not be redeemed within the time prescribed by the ordinance regulating the same;

Dogs.

Fifteenth, To prohibit any person from bringing and depositing within the limits of said city any dead carcass, or other unwholesome or offensive substance, and to require the removal and destruction thereof, if any person shall have on his premises such substance or any putrid meats, fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer of the city;

Unwholesome substances, etc.

Sixteenth, To compel all persons to keep sidewalks in front of premises owned or occupied by them clean from snow, dirt, wood and all other obstructions;

Obstructions, etc., on walks.

Seventeenth, To regulate or prohibit the ringing of bells, blowing of steam whistles, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets and elsewhere in said city;

Disturbing noises

Eighteenth, To regulate the burial of the dead, and to compel the keeping and return of bills of mortality;

Burials.

- Markets, etc.** Nineteenth, To establish, order and regulate markets, to prohibit the forestalling the same; to regulate the vending of wood, meats, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: Provided, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;
- Proviso.**
- Public fountains, etc.** Twentieth, To establish, regulate and preserve public reservoirs, fountains, wells and pumps, and to prevent the waste of water;
- Undertakers, solicitors, cabs, etc.** Twenty-first, To adopt rules for the regulation of sextons and undertakers in burying the dead; to license and regulate solicitors for passengers or for baggage for the benefit of any hotel, tavern, public house, boat or railroad; also to license and regulate draymen, carmen, truckmen, porters, runners, drivers of cabs, coupes, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used or employed for hire, and to fix and regulate the amounts and rates of their compensation;
- Soliciting passengers.** Twenty-second, To regulate or prohibit runners, public porters, and all drivers and public conveyances for persons from soliciting passengers or others to travel or ride in any public conveyance, boat, or upon any railroad, or to go to any hotel or elsewhere, and to license and regulate scavengers and chimney sweeps;
- Scavengers.**
- Lighting.** Twenty-third, Concerning the lighting of streets, alleys and public places, and the protection and safety of public lamps and lights;
- Auctioneers, hawkers, etc.** Twenty-fourth, To license and regulate auctioneers, peddlers, hawkers and pawnbrokers; and to regulate auctions, hawking, peddling and pawnbrokerage, also the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods and other property whatsoever by hand, hand-cart, showcase, show stands, or otherwise, in the public streets, also to license and regulate or suppress hucksters and bill posters;
- Duties of officers.** Twenty-fifth, To prescribe the duties of all officers, appointed by the common council, and their compensation, unless otherwise provided, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;
- Salubrity of waters.** Twenty-sixth, To preserve the salubrity of the waters of Saginaw river, or other streams within the limits of said city, to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient, and to assess upon and collect from the lots or grounds so drained or filled the entire expense thereof;

Twenty-seventh, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city; Stands for carriages, etc

Twenty-eighth, To prescribe the line on which docks shall be built in Saginaw river and beyond which they shall not extend, and to enforce the same by a fine not exceeding five hundred dollars, and to regulate such docks and to compel the owners or occupants thereof to keep the same in repair; Docks.

Twenty-ninth, To appoint so many harbor masters as they shall deem necessary, and to prescribe their powers, duties and compensations; Harbor masters.

Thirtieth, To prescribe the duties of sealers of weights and measures and the penalty for using false weights and measures, and all laws of this State in relation to the sealers of weights and measures shall apply to said city, except as herein otherwise provided; Sealers of weights, etc.

Thirty-first, To authorize the clerk to grant and issue licenses, and the mayor may revoke licenses as provided in section one, title six, of this act, in all cases when licenses may be granted under this act and the ordinances of the common council; Licenses.

Thirty-second, To prescribe the sum of money to be paid into the treasury of the city for every license which may be granted under this act and the ordinances of said city, also the time for which the licenses shall be granted; to require all licenses to be countersigned by the mayor; to require of any or all persons applying for a license, before the issuing thereof the execution of a bond to the city in such sums as the common council may direct with one or more sufficient sureties, conditioned for the faithful observance of the charter and ordinances of the city, and otherwise conditioned as the common council may prescribe; Idem.

Thirty-third, To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within said city by private munificence, as the common council may deem to be for the public good; Public libraries.

Thirty-fourth, To require all persons before constructing, altering or enlarging any building or other structure within the limits of said city, to obtain a permit therefor; and to regulate by ordinance the terms and conditions on which such building permits shall be granted and issued; Building permit.

Thirty-fifth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing or managing the same; Lotteries.

Thirty-sixth, To regulate the putting up, taking down, repairing and maintaining of telegraph, telephone and electric light, power and electric street railway poles and wires; Poles and wires.

- Hotels, saloons, etc.** Thirty-seventh, To license and regulate the keepers of hotels, taverns, restaurants and other public houses, grocers and keepers of ordinaries, saloons and victualing, and other houses or places for furnishing meals or food; to restrain, license and regulate saloons and to regulate and prescribe the location thereof;
- Pawnbrokers, etc.** Thirty-eight, To compel pawnbrokers, junk shop keepers and second hand dealers to keep a list of all goods purchased or received by them in the way of a pledge or security, and to compel them to deliver a written list each day to the chief of police, upon blanks furnished them by the city;
- Parks, boulevard.** Thirty-ninth, The common council shall have power by the concurrent vote of two-thirds of all the aldermen elect of the common council to obtain by purchase or gift, and to hold, improve and properly maintain real estate without the corporate limits of the city for park, driveway, boulevard purposes and water works. The common council shall have full power to lay out, establish, improve, embellish, hold, control and maintain parks, driveways, boulevards, water works, pipes, mains in whole or in part, without the corporate limits of the city, whenever it shall be determined by the said common council by the concurrent vote of two-thirds of all the aldermen elect that the same is a necessary public improvement, and private property may be taken therefor in the manner provided in this act, or by the general laws of the State;
- Water works.**
- Franchise.** Fortieth, It shall have power in granting any franchise whatever to any individual, individuals, corporation, association or company, to reserve the right to impose and collect reasonable annual license fees;
- Sell, etc., real estate.** Forty-first, The common council of the city of Saginaw shall have the right to lease, convey, sell and dispose of any real, personal or mixed property of said city, and the right to sell, lease or acquire any bridges crossing the Saginaw river; and the common council is authorized to permit the use of any public buildings under its control upon such terms and conditions as is it [as it] may by ordinance provide;
- Use of public buildings.**
- Census.** Forty-second, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit, and to direct and regulate the same.
- Boundaries, encroachments.** Sec. 9. The common council may ascertain, establish and settle the boundaries of all streets and alleys in said city, prevent and remove all encroachments thereon, and exercise all other powers conferred upon them by this act, in relation to highways, the prevention of fires and levying of taxes; they shall have power to advertise for proposals and contract for the lighting by gas, electric or other lights, of the streets, public buildings, parks and spaces for the term of not less than one or more than ten years, under any one contract; or they may provide for the construction of works for lighting to be owned and operated by the city itself. They may also require transient traders and dealers to take out
- Lighting.**
- Transient traders.**

licenses. And in addition to all other powers hereinbefore granted, may make and enforce all such other and further ordinances, not inconsistent with the constitution or general laws of the State, as they shall deem the public safety and welfare of said city to require.

SEC. 10. When by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a fine or penalty, not exceeding one hundred dollars (unless the imposition of a greater fine or penalty be herein otherwise provided) for the violation thereof, and may provide that the offenders on failing to pay the fine or penalty imposed, shall be imprisoned in the county jail of Saginaw county, or the city prison, for any term not exceeding ninety days. Fines, imprisonment.

SEC. 11. Whenever the common council are required by law to make publication of any notices or ordinances, in one or more newspapers of said city, it shall be deemed sufficient to publish the same in the official paper of said city. Notices in official paper.

SEC. 12. The common council shall have power to purchase and to hold a suitable lot or lots of land, within or without the corporation limits for the purpose of city cemetery or cemeteries; and they shall make such regulations and rules regarding the same as they may deem necessary; and may cause the same to be surveyed into suitable lots, and may dispose of the same to purchasers and thereupon cause to be executed to such purchaser a good and sufficient deed, in the corporate name of the said city, which deed shall be signed by the clerk, and countersigned by the controller. Cemeteries, council to hold, etc.

SEC. 13. The common council shall have power to purchase a potter's field, within or without the city limits for the burial of the city poor, and make such rules and regulations concerning the same as they may deem necessary. The common council may construct, grade, gravel, pave, plank or repair any street, road or highway without the corporate limits of the city, leading to the cemetery owned by it and known as Oakwood Cemetery, and may join with the township of Saginaw in constructing, grading, graveling, paving, planking or repairing from time to time any such street, road or highway leading to said cemetery, on such terms and conditions as may be agreed upon with the township board of said township. All sums expended by the common council upon such road or highway to be paid out of the general highway fund of the western taxing district. The common council shall also have power whenever, in their opinion, the necessities of the city require, to cause to be constructed by the board of public works of said city, a city almshouse and a city market or markets, or other necessary public buildings; to acquire by purchase or otherwise, all necessary lands whereon to locate the same and to appoint the keepers, clerks and necessary officers thereof, and may make such regulations concerning the same as the common council may think proper. Potter's field.
May gravel, etc., road to Oakwood.
Almshouse, markets, etc.

Powers as to
saloons, etc.

SEC. 14. The common council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers and saloon keepers, and others as are now or may hereafter be conferred by the general laws of this State upon township boards or upon the corporate authorities of cities and villages. The common council shall have power to regulate and license all taverns and houses of public entertainment, all restaurant and eating houses in such sum or sums as the common council may direct or require. The common council may prohibit boxing or sparring for a purse, stake, trophy or reward, or when an admission is charged or paid to see such boxing or sparring.

Restaurants,
etc.

Boxing, etc.

Ferries.

SEC. 15. The common council of the city of Saginaw shall have the sole and exclusive power, from time to time, to license, continue and regulate as many ferries across the Saginaw river, for the carriage and transportation of people, goods and chattels across the said river, and in such manner as shall appear to them most conducive to public good.

When office
of alderman
vacant.

SEC. 16. Any alderman who shall be absent from the sessions of the common council without leave, for six consecutive weeks, shall be deemed to have resigned, and the office shall be deemed vacant, and the common council may order a new election, to fill such vacancy, as in this act provided in case of vacancies.

Deposit of
moneys, etc.

SEC. 17. The common council shall have the power to direct the deposit of all moneys, bonds, papers and evidences of value in any bank or banks, and to contract with any such bank or banks for the safe keeping of all public moneys, and for the receipt of interest at a rate not exceeding eight per cent, upon such moneys of the corporation, deposited with such bank or banks, and to be drawn on account current from such bank or banks by the corporation or proper officer thereof, and such interest shall belong and be credited to the sinking fund unless herein otherwise provided for: Provided, That when the common council has directed the treasurer to deposit said moneys with any bank or banks, such bank or banks shall give a bond to the city, with sureties in number and in amount to be approved by the common council, sufficient to protect the city from loss. No such bond shall be received and accepted or approved by any officer, committee or said council, unless the surety or sureties signing such bond shall first have justified their pecuniary responsibility over their signature in writing, endorsed on said bond or attached thereto. And before any such bond shall be received and approved or accepted, the justification of the sureties thereof, shall, in the aggregate, equal the penal sum of the bond, and show that the sureties thereon are worth in unincumbered property, not exempt from execution under the laws of this State, the penal sums thereof, after payment of

Proviso as
to bond.

all just debts, claims and liabilities. Such oath of justification shall be administered by some officer authorized by law to administer oaths, and any person knowingly or wilfully making any false statement of his pecuniary responsibility in such justification, shall be guilty of perjury and liable upon conviction thereof, to the penalty for perjury. Any person or persons receiving or accepting or approving any such bond without such justification, shall be guilty of a misdemeanor, and shall further be liable for all damages that may be sustained or incurred by the city by reason of such defective bond being accepted or approved: *Provided, The provisions of this section shall not apply to any surety or indemnity company bond if authorized by law to do business in this State.*

Oath of justification.

Proviso.

SEC. 18. The common council of the city of Saginaw is hereby authorized to issue the bonds of said city to an amount not exceeding sixty thousand dollars, said bonds to be in such amounts, payable at such times and places, and with such rate of interest as the common council may determine, for the purpose of raising money to purchase a site for, and the construction of a municipal building of said city. Said bonds may be issued and the proceeds thereof shall be used for no other purpose. Said common council is authorized to proceed immediately to procure a site and construct such municipal building, either in whole or in part.

Municipal building, bonds, limit, etc.

SEC. 19. The common council of the city of Saginaw is hereby authorized and empowered to borrow on the faith and credit of said city a sum not exceeding ten thousand dollars for a period not exceeding ten years, at a rate of interest not exceeding five per cent per annum; and to make, execute, negotiate, issue, sell and deliver the bonds of said city therefor, with proper interest coupons attached thereto, in such manner as the common council of the city of Saginaw shall determine, which said bonds in no case shall be sold at less than their par value.

May issue bonds for hospital, interest, etc.

SEC. 20. Said bonds shall be designated as hospital bonds and the proceeds thereof shall be used in defraying the expense of purchasing, procuring or acquiring a site for a municipal hospital, and for the purpose of erecting, constructing, furnishing and equipping a building or buildings upon said site acquired as aforesaid, to be used for the purpose of detaining and treating persons afflicted with contagious diseases.

Idem.

SEC. 21. The proceeds of the sale of said bonds shall be credited to and deposited in a fund to be known as hospital fund, and shall not be used for any other purpose excepting as provided in section twenty of this title.

Hospital fund.

TITLE IV.

LIGHTING.

City may
acquire.

SECTION 1. The city of Saginaw may acquire by purchase, or may construct either independently or in connection with the water works of the city, either within or without the city, works for the purpose of supplying the city and the inhabitants thereof with gas, electric or other lighting, at such times and on such terms and conditions as are herein provided. Whenever the common council of said city shall declare by resolution that it is expedient for said city to acquire by purchase, or to construct works for such purpose, the common council shall have power to make such action as may be deemed expedient therefor.

Estimate of
expense.

Submitted
to electors.

SEC. 2. If the common council shall declare that it is expedient to acquire by purchase or construction as the case may be, works for the purpose of supplying the city and the inhabitants thereof, either with gas, electric or other light, then the common council shall cause to be made and reported in their proceedings, an estimate of the expense thereof, and the question of raising the amount required for such purpose shall first be submitted to a vote of the taxpayers of said city, at some special election, as provided in section two of title seven, and such proposition must be sanctioned by a two-thirds majority of the tax-paying electors voting at such election before any money shall be raised or expended for such purpose.

May issue
bonds, limit,
etc.

Lighting fund.

Separate
plant, who
to control.

SEC. 3. When authorized thereto, as provided in the last section, the city may issue its bonds for any sum not exceeding one hundred and fifty thousand dollars, for the purpose of raising money for the purchase or construction of said plant to be used exclusively for that purpose. The common council shall have the power to fix the time and place for the payment of principal and interest of the debt, contracted under the provisions of this title, and the rate of interest thereon shall not exceed six per cent per annum, and such bonds shall be sold for not less than their par value. The proceeds of said bonds shall be placed in a separate fund, to be known as "lighting fund," and shall be used exclusively for the purpose for which they were authorized and in no other manner. The total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of the expenses therefor, provided in section two of this title. Any surplus that may remain in said fund after the construction or purchase of said works, may be used for the maintenance thereof. All expense of maintaining said works and the repairs and extensions thereof, shall be chargeable to and paid from the lighting fund only. If constructed or purchased as a separate plant, it may be placed in the hands of the lighting commissioners, ap-

pointed in the same manner, and who shall hold their offices for the same time as is herein provided for the appointment of members of the board of estimates, or it may be placed under the charge and control of the board of public works.

SEC. 4. The common council may, by ordinance, prescribe the management of said works, and for the care, protection, preservation and control thereof, and of all the property connected therewith or belonging thereto, and to carry into effect the provisions of this title and to fix such just and equitable rates as may be deemed advisable for supplying the said inhabitants of said city with lights, and shall annually, on the first Monday in June, fix such rates for the ensuing year. And all officials and appointees shall be paid in the same manner as those of other city officials, but such expenditures shall be chargeable to said lighting fund only.

Rates, who
to fix, etc.

TITLE V.

HARBOR, WHARVES AND HARBORMASTERS.

SECTION 1. The council shall have the power to establish, construct, maintain and control public wharves, docks, piers, landing places and levees, basins and canals, upon any lands or property belonging to or under the control of the city; and that for that purpose the city shall have the use or control of the shore or bank of any lake, river or other waters within the city, not the property of individuals, to the extent to which the State can grant the same, and the council may lease wharfing and landing privileges upon any of the public wharves, docks or landings, but not for a longer time than five years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

Council to
control, etc.

Wharfing
privileges

SEC. 2. The common council shall have authority also to require and cause all docks, wharves and landings, whether upon public ground or upon the property of private individuals, to be constructed of such material and in such manner and maintained in conformity with such grade as may be established therefor by the council, and prescribe the line beyond which any such wharf, dock or landing shall not be constructed or maintained.

Construction,
etc., of docks.

SEC. 3. The council shall have authority to prohibit the encumbering of the public wharves and landings, and to regulate the use of all wharves, docks and landing places within the city; regulate the use and location of wharf boats; and to regulate and prescribe the rates and charges of landing, wharfage and dockage at all public and private wharves, docks and landings, and to collect wharfage and dockage from boats, water crafts, and floats landing at or using any public landing place, wharf or dock within the city.

Encumbering
of wharves.

Rates of
dockage, etc.

SEC. 4. The common council shall have authority to provide by ordinance for the preservation of the purity of the

Purity of
waters.

Speed in harbor.

waters of any harbor, river or other waters within the city, and within one-half of a mile from the corporate boundaries thereof; to prohibit and punish the casting or depositing therein of any filth, logs, floating matter or any injurious thing; to control and regulate the anchorage, moorage and management of all boats, water craft and floats within the jurisdiction of the city; to prescribe the mode and speed of entering and leaving the harbor, and of coming to and departing from the docks, wharves and landings, by boats, water craft and floats, and to regulate and prescribe, by such ordinances or through a harbormaster or other officer, such location for any boat, craft, vessel or float, and such changes of station in and use of the harbor as may be required to promote order therein, and the safety and convenience of all such boats, craft, vessels and floats, and generally to enact and enforce such ordinances and regulations not inconsistent with the laws of the United States and of this State as in the opinion of the council shall be most conducive to the orderly, safe and convenient use and occupancy of the harbor, navigable waters, wharves, docks, piers and landing places within the city.

Tugs.

SEC. 5. The council may also license and regulate the use of tugs, and prescribe the rates and charges of towage within the harbor or other waters of the city, and regulate the opening and passage of bridges.

Harbor masters, appointment, etc.

SEC. 6. The council may appoint such officers as may be necessary for the enforcement of all such ordinances and regulations as the council may lawfully enact, and prescribe, in respect to and over the navigable waters, harbors, wharves, docks, landings and basins, within the city, and in respect to the navigation, trade and commerce of the city, and prescribe the powers and duties of harbormasters and other officers, and to fix the compensation to be paid them.

License ferries.

SEC. 7. The council may regulate and license ferries from the city or any place or landing therein to the opposite shore, or from one part of the city to another; and may require the payment of such reasonable sum for such license as to the council shall seem proper; and may impose such reasonable terms and restrictions in relation to the keeping and management of such ferries, and the time, manner and rates of carriage and transportation of persons and property as may be proper, and provide for the revocation of any such licenses and for the punishment, by proper fines and penalties, of the violation of any ordinance prohibiting unlicensed ferries, and regulating those established and licensed.

Regulate markets.

SEC. 8. The council shall have the power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the time for opening and closing the same; the kind and description of articles which

may be sold; and the stands and places to be occupied by the venders.

SEC. 9. The common council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted and unsound meats, or other unwholesome provisions exposed for sale therein.

Enforce rules,
arrest persons,
etc.

TITLE VI.

OFFICERS—THEIR RIGHTS, POWERS AND DUTIES.

SECTION 1. The mayor shall be the chief executive officer of the city. It shall be the duty of the mayor to take care that the laws of the State, and the ordinances of the common council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient, to expedite such as shall be resolved by them; and in general to maintain the peace and good order and advance the prosperity of the city. The mayor shall be an ex officio member of all the boards of the city of Saginaw (except the school boards) and he shall have a right to speak on any and all matters that come before said boards, but he shall have no vote thereon. The mayor may also issue process and hear in a summary way any complaint against any person to whom a license of any description has been granted, in pursuance of this act, for any violation of the laws of the State or the ordinances of the common council, and may issue subpoenas and compel the attendance of witnesses on the hearing of such complaint in the same manner as a justice of the peace in the trial of civil causes, and on such hearing may annul such license or suspend it for a certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding a license affected by such determination, either personally or by leaving the same at his or her usual place of abode, and from the time of such service such license shall be annulled or suspended, according to the tenor of such determination.

Mayor, powers, duties, etc.

May suspend
licenses.

SEC. 2. All official bonds of said city shall be deposited with the clerk of the city for safe keeping unless the council otherwise order, in which case they shall be deposited as they may direct, and it shall be the duty of the officer with whom such bonds are deposited to deliver the same to his successor in office. The official bond of the clerk shall be deposited with the city treasurer.

Official
bonds, where
deposited.

Alderman,
duties, etc.

SEC. 3. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or president or common council; to order the arrest of all persons violating the criminal laws of this State, or the ordinances, by-laws or police regulations; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act. The mayor, recorder and aldermen, by virtue of their respective offices, shall be conservators of the public peace.

Controller,
duties, etc.

SEC. 4. It shall be the duty of the controller to keep the financial accounts of said corporation, to countersign all cemetery deeds and orders upon the treasury, and sign all bonds and burial permits and all evidences of debt and transfer of property which the common council or corporation are authorized to issue or make, pledging the faith of said city; to receive all accounts and demands against said corporation, examine them in detail, audit or allow them, or such parts thereof as to the correctness of which he has no doubt, and which the claimant is willing to accept in full discharge thereof, file and number them as vouchers, with the date of their allowance, and the funds out of which payable, and when so audited, to report the same to the common council, and when payment shall be duly authorized by the common council, to countersign and register the orders drawn therefor by the city clerk upon the city treasurer. No claim so audited shall be binding against the city until approved by a vote of the common council. The controller shall keep a record of bonds issued by said corporation, with the number, amount and dates, when issued, when payable, and all coupons attached thereto, and shall keep account in proper books of all such bonds and the bonded indebtedness, for the information of the common council. He shall also, in like manner, keep accounts of all funds, taxes, assessments, receipts and expenditures, and during the month of July in each year, shall make out and present a full statement and balance sheet of the financial accounts of the city, with such recommendations and explanations as may be proper to add thereto; the controller shall advertise and receive proposals for all contracts and on behalf of the city, except as in this act otherwise provided, and the controller shall report his action thereon to the council. He shall sign all contracts and agreements on behalf of the city, except as in this act otherwise provided, subject to the orders of the common council, and make all purchases of materials, tools, books, stationery, apparatus and property for the city or its officers, not otherwise provided for herein, or ordered by the common council. He shall keep a record of all officers and employees of the city and certify the pay rolls and wages of all such

To make
statement of
accounts.

Sign contracts,
etc.

officers and persons to the common council. He shall be charged with the leasing, repairs, insurance and general supervision of the property of the city, and for his information may require reports from all officers and persons having any city property in charge or possession, and report the same when required by the council. It shall also be the duty of the controller to take and exercise a general supervision of the financial concerns of the corporation, to keep a complete set of books exhibiting the condition of the said corporation in its various departments and funds, its resources and liabilities, with proper classification thereof, of each fund or appropriation for any distinct object of expenditure, or class of expenditure. Whenever any such fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts or expenses actually incurred or contracted for, no further warrants shall be drawn by the city clerk nor countersigned by the controller against such fund until another appropriation shall have been made. The controller shall open an account with the city treasurer, in which he shall charge said city treasurer with the whole amount of taxes, special or general, levied in said city and placed in his hands for collection, all sums received for licenses, rents and all other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interests and bills receivable by said city, of whatever nature. He shall charge to the treasurer all taxes which may be placed in his hands for collection, and all other officers of the corporation with all funds, moneys and property placed or being in their possession, and shall require settlement with such officers at least once in each year and as much oftener as the interest of the city and the safety of its property may require; and he shall give said treasurer and all other officers credits for all moneys disbursed, upon showing proper vouchers, and for all property consumed, expended and destroyed by ordinary wear and use, and not otherwise. The controller shall make out and attach warrants to all tax rolls in said city, whether for State, county, city, general or special assessments or taxes, and such warrants shall be in the usual form of law, and shall have the same virtue, force and legal effect as warrants made by the supervisors of townships pursuant to the laws of the State. The controller shall also perform such other duties as are, or may be, prescribed by this act, or by the ordinances of the common council, not inconsistent herewith, and he shall give a bond, with sureties, in the sum of not less than five thousand dollars, for the faithful performance of the duties hereby imposed. He shall have a seat in the common council, and may speak upon all matters that come before the council relative to the duties of his office, and serve upon committees thereof, but shall have no vote in said council. The controller shall also, on or before the third Mon-

Keep books.

Account with treasurer

Attach warrants to tax rolls.

To give bond.

Seat in council.

Statement.

day in April in each year, submit to the common council a statement in detail of the amounts of money, which, in his opinion, it will be necessary to raise by taxation, for all city purposes, for the next fiscal year.

Claims against
city.

To make
statement,
what to
specify, etc.

Deputy
controller.

Assessor,
duties.

As to births,
etc.

Assessments,
tax rolls, etc.

SEC. 5. During the month of July in each year, the controller, in addition to the duties herein prescribed, shall audit and settle the accounts of all officers and other persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditures made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each, the amount of taxes raised for the general contingent expenses, the amount raised for lighting and watching the city, the amount of highway taxes and assessments, the amount of assessments for opening, paving, planking, repairing and altering streets and building and repairing bridges, the amount borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of said city, and present the same to the common council of said city, the said statement shall be filed with the papers of the city, but it shall not be necessary to publish the same in full in the proceedings of the common council. In case of disqualification, inability or absence from the city of the controller, the deputy controller shall perform all the duties of said controller, and in case the office of the controller shall become vacant from any cause, such deputy shall act as controller until such vacancy shall be filled; and he shall perform such other duties as may be prescribed by law or any ordinance of the city.

SEC. 6. It shall be the duty of the assessor, annually, to assess all the property in said city, liable to taxation under the laws of this State, now or hereafter in force, for the purpose of levying taxes lawfully imposed thereon and who shall, for the purpose of making such assessment, have all the powers and perform all the duties of supervisors of townships in this State, subject to the limitations contained in title eight. The assessor shall also prepare and make the returns required by law relative to the registration of births and deaths of said city and perform such other duties as this act imposes. It shall be the duty of the assessor to make a copy of the annual assessment roll, as finally confirmed, upon which he shall ratably assess the county and State taxes as provided by the general laws of this State. When said roll shall be completed, footed and balanced, the assessor shall deliver the same to the controller, who shall annex thereto a warrant directed to the treasurer commanding the collection of the taxes thereon assessed, and the returns to be made

to the county treasurer, in like manner as the same is or may by law be required in warrants of township treasurers for the collection of the taxes in the townships of this State. The assessor shall each year ratably assess in dollars and cents, the amount of State and county tax, the same to be placed in the city assessment roll, as confirmed by the board of review, in columns separate from the city tax, one column to be marked State and the other county tax; the same to be assessed as provided by the general laws of the State of Michigan, except when changed by the charter of the city of Saginaw. On the first Monday of November the treasurer of the city of Saginaw shall deliver to the city assessor the city tax roll, and the city assessor shall spread upon the city tax roll a copy of said assessment roll so far as it pertains to the State and county tax, the same to be placed in columns separate from the city tax, and the other county tax. When the same is completed, footed and balanced, the assessor shall attach his certificate to each of said books, certifying that the same is the State and county tax roll for the ward for which it was made. The assessor shall, on or before the third Monday in November, deliver said State and county tax roll to the city controller, who shall make entry of the same and of the totals of all taxes assessed thereon in reference to the State and county tax, on the books kept in his said office. And the said controller shall, on or before the first Monday in December deposit said State and county tax roll with the city treasurer, and take his receipt therefor and charge him therewith. Before the controller delivers said State and county tax roll to the city treasurer a warrant shall be issued and annexed to each of said books, signed by the controller, under the corporate seal of said city, directed to the said treasurer, commanding and authorizing him to collect from the persons named in each of said books, the State and county taxes and assessments therein set forth due from such persons; and the collection of said taxes and the return to the county treasurer shall be in the same manner as taxes collected in the townships under the general laws of the State of Michigan. In case of disqualification, inability or absence from the city of the assessor, or vacancy in the office of assessor, the deputy assessor shall perform all the duties of the assessor, and in case the office of assessor shall become vacant from any cause, the deputy assessor shall act as assessor until such vacancy shall be filled, and he shall perform such duties as may be prescribed by law or any ordinance of the city. The assessor and his deputy shall each have power to administer oaths and affirmations whenever necessary to the proper discharge of the duties of the office. The assessor shall be subject to removal for cause the same as other officers appointed by the common council. All abstracts of title belonging to the city, and all deeds, conveyances and evidences of title, and all assessment rolls,

Deputy
assessor.

shall be kept in the assessor's office, and it shall be the duty of the assessor to keep a list and record of all real estate owned or controlled by the city, and said record shall be properly indexed. The assessor may have a seat in the common council and may speak on all matters relating to the duties of his office; but said assessor and said deputy assessor shall not receive for any duties imposed, or for services rendered to said city beside their salaries, any fee or reward whatever which shall be paid out or withheld from the city treasury.

Seat in council.

X City clerk, duties.

Publish ordinances.

Evidence of proceedings, etc

Certified copy

Printed volume.

Signed volume.

Issue licenses.

SEC. 7. The city clerk shall keep the corporate seal and all the papers and files belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make a full and complete record of the proceedings of the common council, and all boards that he may be clerk of, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council and boards, certified to by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein contained. He shall publish all ordinances passed by the common council at least three times in the official paper of said city, and no ordinances shall take effect until the expiration of at least three days from the date of the first publication thereof, and a record made by the clerk of the said city, or a copy of such record or entry duly certified by him, shall be prima facie evidence of the time of such first publication. All laws, regulations, ordinances and proceedings of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, board or body in which it shall be necessary to refer thereto; either,

First, From a copy certified by the clerk of the city, with the seal of the city of Saginaw affixed;

Second, From the volume of ordinances printed by authority of the common council; or

Third, From the volume of the official printed proceedings of the common council, signed by the clerk, with the seal of the city of Saginaw affixed.

The clerk shall issue all licenses granted for any purpose whatever by the common council, and shall enter, in an appropriate book the name of every person to whom a license is granted, and the number and date thereof, the time during which it is to be continued in force, and the sum paid for such license. No license for any purpose granted shall be valid until thus attested by the clerk. Said clerk shall also sign all orders drawn upon the city treasury, for claims allowed by the common council. He shall sign all cemetery deeds and attest all contracts awarded by the board of public works, and countersign all bonds and other like evidences of debt. He shall keep a record of all bonds and other papers

that he countersigns. He shall also act as clerk of the recorder's court, of the board of public works, the board of health, the board of estimates, the board of police commissioners and all other boards of said city unless otherwise provided in this act, and when so required, of the standing or special committees of the common council, and perform such other duties as may be required by law of the township clerks, so far as applicable under this act or the ordinance of the city. The deputy city clerk may perform any act or duty devolving upon the city clerk, and in case the office of the city clerk shall become vacant, or his inability to act, such deputy shall act as clerk until such vacancy shall be filled. All votes, ordinances, resolutions and proceedings of the common council shall, except as herein otherwise provided, be published at least once, by the city clerk, in the official paper of said city, within eight days after the session of the common council in which the same were had or passed.

Clerk of various boards.

Deputy clerk.

Proceedings to be published

SEC. 8. The treasurer shall receive all moneys belonging to the city, including school moneys, and shall receive all taxes of said city, levied by order or authority of the common council, board of education and union school district, except as herein otherwise provided. The treasurer shall also collect all rents, interests, claims and dues to said city, arising from rentals, leases, sales of property, or claims of any other nature whatever, not herein otherwise provided for. He shall hold all bonds, notes, mortgages and other evidences of debt or value belonging to said corporation. He shall deposit the moneys of the city under the direction of the common council, and the school money under the direction of the board of education and union school district, and shall keep an accurate account of the same and of all the receipts and expenditures thereof, and with every fund or appropriation thereof made by this act, or by the authority and direction of the common council or board of education of the city of Saginaw, east side. He shall pay no money out of the treasury, except in pursuance of, or by authority of law, or in satisfaction of warrants drawn by order of the common council, signed by the city clerk and countersigned by the controller; or of coupons and bonds regularly and lawfully issued by said corporation; or in case of school moneys belonging to the board of education of the city of Saginaw, east side, on orders drawn by the secretary and countersigned by the president of the board of education of the city of Saginaw, east side. He shall keep an accurate account of, and report to the common council once in two weeks, a detailed statement of all taxes collected and money received, as well as moneys disbursed, and a trial balance thereof, a copy of which report shall be filed with the controller, and at the end of every quarter, shall make a full settlement with the controller and finance committee of the common council, producing the

City treasurer's duties, etc.

Depositing of money.

Payment of money.

Report relative to taxes, etc.

vouchers of all transactions, which vouchers shall be cancelled by said controller and committee, and the result of said settlement reported to the council. Bonds and coupons shall be paid out of the particular funds constituted or raised for the purpose for which the same were issued, and warrants shall be paid only out of moneys in the funds against which the same are drawn, as written upon the face thereof. The treasurer's office shall be in the city hall, where the books and accounts in his charge, belonging to the city, shall be open to the inspection of any taxpayer of said city, at reasonable hours in any week day, and where all bonds, coupons and warrants shall be presented for payments and the treasurer shall not discriminate as to parties holding bonds, coupons, warrants, or other lawful demands, and shall pay them only when presented at his office, unless a different place be named in such bond or other demand. The city treasurer shall collect all the State and county taxes, assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer and school taxes, and all such special taxes as may be from time to time levied by the common council for the improvement of streets, the construction of sidewalks or any other purposes authorized by this act or by the laws of this State, as may be placed in his hands for collection, by the controller or other proper officer of said city, and the warrant of the controller of said city shall confer full power and authority upon said treasurer to collect by levy and sale all the taxes set forth upon any copy or transcript of any general or special roll so placed in his hands, the same as warrants made by the supervisors of townships under the laws of this State, and such treasurer shall give receipts for all taxes collected by him, and mark same paid upon the proper rolls, and shall on Monday of each second week deposit with the controller a detailed statement of all the collections so made, and shall make due returns of all rolls and the uncollected taxes thereon, as required by the warrant of the controller, the provision of this act and the laws of this State: Provided, That the returns of all State and county taxes shall be made direct to the county treasurer of the county of Saginaw. The city treasurer shall appoint one or more deputy treasurers, subject to the approval of the common council. Such appointment shall be in writing, shall be filed with the clerk, and submitted to the council; such deputy shall have all the power and authority of the city treasurer, so far as relates to the collection of taxes, subject to the control of the treasurer; and the treasurer shall be responsible for all the acts of his deputy. The treasurer shall obey all the orders and resolutions of the common council, not inconsistent with the provisions of this act, and shall turn over to his successor in office all moneys, books, papers, and property of every kind and description due and belonging to said corporation, on demand.

Office of treasurer.

To collect taxes.

Give receipts for taxes.

Statement to controller.

Proviso as to state and county taxes. May appoint deputy.

Obey orders of council.

SEC. 9. For the collection of all State and county taxes the city treasurer shall be entitled to add to all such taxes collected by him the same interest, collection fees and charges as are now or may hereafter be provided by the general tax laws of the State for interest, collection fees, and charges on township tax rolls when collected by the township treasurers of this State: Provided, however, That all such collection fees and charges which are now, or may hereafter be, by the general tax laws of the State, payable to the township treasurer to his own use, shall when collected by said city treasurer, be by him paid into the sinking fund of said city, for the use of said city. The common council of said city shall have power to prescribe the percentage to be added to all tax rolls not herein otherwise provided for, and to direct to what fund it shall be credited, and may direct the treasurer as to the deposit and safe keeping of all books and papers in his office, and may require of him bonds, with some reliable and satisfactory fidelity or surety company, or other satisfactory parties, as surety or sureties, in such amounts as the common council may determine, for the faithful performance of his duties as treasurer. The common council shall also have power at any time during the term of office of said treasurer, when they may deem the existing bond furnished by the treasurer insufficient from any cause, to require the said treasurer to procure and execute a new or additional satisfactory bond to the city in such sum as they may direct, and in default of his furnishing the same within ten days after service on him of a copy of the resolution of the common council requiring it, the common council may declare such office vacant, and proceed to fill the same as hereinbefore provided. All collection fees and perquisites prescribed by law shall be collected by said city treasurer and his deputy and paid into the sinking fund of said city for the use and benefit of said city. The city treasurer shall, subject to the approval of the common council, employ the necessary clerks in said office, and their salaries or compensation shall be fixed and paid by the common council.

To add collection fees etc., to taxes.

Proviso, disposition of fees.

Percentage, council to prescribe.

Bond of treasurer.

New bond.

Fees, etc., disposition of.

Clerks.

SEC. 10. The city attorney shall be an attorney and counselor at law, in good standing and admitted to practice in all the courts of the State. He shall, on application of the common council, or of any officer of the city, furnish advice relative to all matters of law in the discharge of their duties, appear in behalf of the city, and of all public boards thereof, in all suits, and perform such other legal duties as may be prescribed by ordinance. The city attorney shall not receive for any duties imposed or services rendered to said city during his term of office, besides his salary, any fee or reward whatever which shall be paid out or withheld from the treasury of said city, except for special work provided for in advance by the common council, and except for services as supervisor in attending the sessions of the board of super-

City attorney qualifications, duties, etc.

Not to receive fees.

visors, for which service, the same compensation shall be allowed as to other supervisors.

Constables,
duties [etc.

SEC. 11. The constables in the several wards shall possess the same powers and perform the same duties and obligations as constables of townships, and give like security; they shall obey the orders of the mayor, recorder and aldermen, or any person legally exercising the criminal jurisdiction of judge or justice of the peace in said city, in enforcing the laws of the State and the ordinances of the said city, and in case of neglect or refusal so to do, they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

Penalty

Expense of
committing
offenders, how
audited, etc.

SEC. 12. The expense of examining and committing offenders against any law of this State, in the said city, and of their confinement, shall be audited, allowed and paid by the board of auditors of the county of Saginaw, in the same manner as if such expenses had been incurred in any township of said county.

Supervisors,
duties, etc.

SEC. 13. The supervisors of the several wards of said city, shall be members of the board of supervisors of Saginaw county, and shall perform all the duties of supervisors of townships, except as herein otherwise provided, and except as to such duties as are herein especially devolved upon other officers of said city, and shall be entitled to the same compensation as township supervisors, and to such additional compensation as is hereinbefore provided. The assessor, controller, city attorney and president of the board of review, shall be members of the board of supervisors of Saginaw county, and represent the interests of this corporation in said board, and as supervisors shall be entitled to receive the same compensation as other supervisors, for attendance upon said board.

Certain offi-
cers, members
of board of
supervisors.

Defaulter,
ineligible to
office.

SEC. 14. No person shall be elected or appointed to any office, unless he be an elector of said city, and if elected or appointed for a ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or any board of officers thereof, or to any school district, county or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

City physician,
inspectors,
etc., duties.

SEC. 15. The city physician, health officer and his assistants, food and measure inspector, fire wardens, poundmasters, inspectors of firewood and hay, weigh masters, harbor masters and scavengers, shall perform such duties, and if required, shall file such securities as the common council shall order.

When various
boards to
recommend
salaries, ex-
penses, etc.,
to council.

SEC. 16. On or before the last Monday in January in each year all boards and the committee on fire department of the common council, shall recommend to the common council the salary to be paid to the several officers and employes of said respective boards and departments, unless their salaries are fixed by this act, for the ensuing year, and each of said boards

and the committee on fire department shall also at the same time submit to the common council an estimate of the amount of money, which, in their opinion, will be required to meet the expenses of their respective departments for the ensuing fiscal year. And the common council shall annually, at their first regular meeting in the month of February, or as soon thereafter as may be, determine or fix the salary or compensation to be paid to the several officers of said city, not otherwise fixed and determined by this act, and they may also from time to time establish fees and compensation of all officers appointed by them, whose fees or salary are not prescribed by law, and whose compensation for services is required to be paid out of the city treasury.

When council
to fix salaries,
etc.

SEC. 17. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire or be limited by this act, he shall, on demand, deliver over to his successor in office, all the books, papers, moneys and effects of said corporation in his possession or custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally, for the like offense, under the general laws of this State, now or hereafter in force, or applicable thereto; and every officer appointed or elected under this act, shall be deemed an officer within the meaning and provisions of such general laws of this State.

Books, papers,
etc., to be
delivered to
successor.

Penalty.

Who deemed
officer.

SEC. 18. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, duties, power or liabilities, subject to and consistent with the provisions of this act, as the common council may deem expedient, and shall prescribe by resolution, by-laws or ordinance.

Council may
prescribe
other duties.

SEC. 19. The members of the various boards of the city of Saginaw shall receive compensation as provided herein for the following regular meetings only: Regular meetings of the board of public works shall be held weekly. Regular meetings of the board of police commissioners, board of water commissioners, board of park and cemetery commissioners, board of health, board of building inspectors and board of plumbing examiners shall be held monthly; and regular meetings of the board of review and the board of estimates shall be held as provided in this act. Compensation for attendance at special meetings of any board excepting the board of review and board of estimates is hereby prohibited.

Regular meet-
ings of boards.
compensation.

SEC. 20. The city assessor may appoint a deputy city assessor, subject to confirmation by the common council. The city controller may appoint a deputy city controller, subject to confirmation by the common council; and the city clerk may appoint a deputy city clerk, subject to confirmation by the common council, notwithstanding any provisions in this

Certain officers
may appoint
deputy.

act to the contrary, and each of such principals shall be liable for the acts of his deputy.

TITLE VII.

TAXES, FUNDS, REVENUES AND EXPENDITURES.

Council to
control money,
order assess-
ments, etc.

Funds, how
used, etc.

General fund.

Highway.

Fire de-
partment.

Sinking.

Sewer.

Sewer bond.

Street im-
provement
bond, etc.

Poor
department.

Street im-
provement.

SECTION 1. The resources and moneys of the corporation shall be controlled by the common council as herein provided; and the said common council is hereby vested with the power to order assessments, direct the levying of taxes, and provide for the collection of the same, under the provisions and restrictions in this act contained; and all assessments, taxes and revenues of said corporation shall be paid into and form a part of one of the following named funds, viz.:

First, General fund, which shall be appropriated to defray the expenses of the city of Saginaw, for the payment of which out of some other fund, no provision is herein or otherwise made;

Second, Highway fund, to defray the expenses of repairing paved, graded, planked and improved streets, and for the construction and repair of crosswalks, bridges, drains, culverts, the cleaning of streets, sidewalks, altering, repairing and cleaning sewers, drains, public places, and such other general highway purposes as the common council may direct;

Third, Fire department fund, which shall be appropriated to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, paying the regularly appointed firemen of the city, and all other expenses incident and necessary to the maintenance of the fire department of said city;

Fourth, Sinking fund, to pay and discharge the principal and interest of the bonded indebtedness of the city, of every description, provision for the payment whereof is not otherwise made. To this fund shall be credited and paid, at the end of each fiscal year, all interest and penalties received on delinquent taxes and assessments;

Fifth, Sewer fund, to defray the expenses of constructing the public sewers of the city;

Sixth, Sewer bond and interest fund, to redeem and pay the sewer bonded indebtedness of said city, and the interest thereon;

Seventh, Street improvement bond and interest fund, to pay all bonds, with interest thereon, issued in pursuance to section twenty, title eight of this charter;

Eighth, Poor department fund, to defray the expenses of providing for and taking care of the poor of the city;

Ninth, Street improvement fund, to be assessed, levied and collected as hereinafter provided in title eight of this act:

Provided, That where said several funds belong to the east- Proviso.
ern or western taxing districts, as in this act provided, they
shall be so kept and designated;

Tenth, Lighting fund, to defray the expenses of operating, Lighting
maintaining and extending the lighting works of said city;

Eleventh, Such other funds as are herein provided for or Other funds.
as the common council may constitute for special purposes,
not inconsistent with the provisions of this act, not to be
taken from any of the funds above provided for, except the
general fund;

Twelfth, Police department fund, to defray the expenses Police.
of maintaining the police department.

SEC. 2. For the purpose of defraying the ordinary ex- Amount council may raise annually by tax.
penses and liabilities incurred by said city, and paying the
same, the common council may, with the approval of the
board of estimates, as in this charter provided, raise annu-
ally, by tax levied upon the real and personal property with-
in said city such sum as they may deem necessary for the
several funds hereinbefore specified, not exceeding the fol-
lowing per cent, on the valuation of the general and personal
estate within the limits of said city, according to the valua-
tion thereof, taken from the assessment roll of the year pre-
ceding the levying of such tax, for the following funds,
viz.: General fund, including poor and police department,
eleven-twentieths of one per cent; highway fund one-half of
one per cent; lighting fund, one-fifth of one per cent; fire de-
partment, one-fourth of one per cent; sinking fund, one-
tenth of one per cent. If the common council shall deem
it expedient for the purposes of the city, to levy a larger
tax than is allowed by this section, they may, by giving ten
days' notice, by publishing the same in a newspaper pub-
lished in said city, and posting a notice thereof in three
public places in each ward in said city, call a meeting of
the taxpaying electors of each ward of said city, to be held
on a day designated in said notice, at some place designated
in each election district of said city, and the said taxpayers
may then and there vote to levy, assess and collect a further
money tax upon all the real and personal property in said
city, in such sum as shall be decided by a majority vote of
all the taxpaying electors voting at such election, and such
tax shall be levied, assessed and collected in the same man-
ner as is provided for the levying or collection of other taxes
mentioned in this act: Provided, That the manner of vot-
ing at such meeting shall be by ballot, and that no person
shall vote at such meeting who is not a taxpayer and elector
in said city and the resident of the ward and district in
which he offers to vote, and who was not assessed on the
last city tax roll; said election shall be conducted as far as
possible in the manner provided for conducting general and
special elections in said city, and the inspectors of such elec-
tion shall have the power to require any person offering to
vote thereat to be sworn as to his qualifications to vote at such

Proceedings to raise larger tax.

Proviso as to voting, etc.

Election, how conducted, etc.

meeting, and if such person should swear falsely in reference to his qualifications to vote at such election, he shall, upon conviction thereof, be deemed guilty of the crime of perjury and be punished therefor.

License fees,
fines, etc.,
where paid.

SEC. 3. The moneys assessed by the common council, under the authority of this act, for licenses and permits, and all fines imposed for the violation of the ordinances of the city, except as herein otherwise provided, shall be paid into the general fund of said city.

When council
to submit
estimates, etc.,
to board of
estimates

SEC. 4. The common council, after revising, altering and approving the estimates submitted to it by the controller, as provided by section four, title six, shall on or before the first Monday in May, transmit the same, together with an estimate, of any other taxes approved by it to be raised for the ensuing year for the approval of the board of estimates as provided in this charter, and all propositions and resolutions for the borrowing of any money on the credit of the city or issuing any bonds shall also in like manner be submitted to the board of estimates, except as herein otherwise provided. It shall be the duty of the common council, on or before the third Monday of May of each year, to determine by resolution the amount necessary to be raised by tax for the city purposes within said city for such year, which amount shall not for any purpose exceed the amount theretofore approved by the board of estimates, except as in this charter otherwise provided; and the common council shall also at the same time determine and enter upon a record of its proceedings, the proportion on a percentage basis which each of the city funds, except school funds, shall bear to the total of such tax for all city purposes, except school purposes, and when any such city tax is collected as provided in the charter of said city, same shall be apportioned to the several funds in accordance with such determination as herein above provided, and it shall be the duty of the city clerk to certify the amount to be raised to the assessor, who shall assess the sum so certified and such other taxes as may be required by law upon the taxable property of said city.

When to
determine
amount to
be raised
by tax.

Assessment:
how made,
etc.

SEC. 5. The assessment of the property and persons, for the purpose of the city taxation shall, except when otherwise provided, be made in the same manner as is now, or may at any time hereafter be, required by the general tax laws of this State. The assessor may divide the assessment roll into separate books, one for each ward in said city, which books shall constitute for all purposes the assessment roll of said city, assessing real estate in the ward in which the same or any part thereof, may be situated, and personal property in any ward of said city in the proper taxing district. Shares in banks or other corporations may be assessed in the ward in which the business of such bank or other corporation is conducted. The assessor shall prepare for said assessment roll a complete index, showing in alphabetical order, the

Roll may be
divided.

Shares, etc.,
where as-
sessed.

Index to roll.

names of all persons therein assessed for personal estate, with reference to the page and book where the assessment may be found. He shall complete said roll on or before the last Monday of April, and submit the same at that time for the action of the board of review thereon.

Roll, when completed

TITLE VIII.

ON STREET AND PUBLIC IMPROVEMENTS.

SECTION 1. The common council of the city of Saginaw shall have full power to lay out, open, widen, alter, close, fill in or grade, vacate or abolish any highway, streets, avenues, lanes, alleys, public grounds or spaces in said city.

Powers of council as to streets, etc.

SEC. 2. When any improvement is to be made the common council shall so declare by resolution.

Resolution for improvement.

SEC. 3. The common council shall have the power to cause such of the streets and highways in said city as shall have been used for six years or more as public highways or streets, and which are not sufficiently described or have not been duly recorded to be ascertained, described and recorded in the office of the board of public works of said city, in the book of street records, and the recording of such highway, streets, lanes, alleys or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the common council, and recorded in the book of street records, in the office of the board of public works, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground therein described. And the board of public works is hereby empowered and it is made its duty to determine and establish the grade lines of all streets, highways, lanes, alleys, sidewalks and public grounds in said city, and when such grade is so established a record thereof shall be made in said book of street records or other books to be provided for that purpose, and when the grade lines of any street, highway, lane, alley or public ground has been so established and recorded, the same shall not be changed except by the unanimous recommendation of said board, and the votes of two-thirds of the members of the common council, which change shall be recorded in the manner provided for recording the original grade line thereof. And no street shall be graded until the grade line thereof is so established. The common council shall have the power to cause the common sewers, drains, vaults, arches, and bridges, culverts, wells, pumps and reservoirs to be built in any part of said city, to cause the grading, raising, leveling, repairing, paving, repaving, repairing or covering with stone, brick, blocks, plank or other material, any street, avenue, lane, alley, highway, public ground, sidewalk or cross-walk of said city, but all such improvements shall be done by the board of public

Certain streets, etc., to be recorded.

Recording evidence of existence of street, etc.

Board of public works to establish grades.

How changed.

Power of council as to sewers, etc.

Paving, vote
necessary for.

works, as herein provided; but no such public improvement shall be made by paving in any way except upon an affirmative vote of two-thirds of all the aldermen elect; unless a majority of the property owners having property fronting on the place to be so improved shall have petitioned the common council to make such improvement, in which case a majority vote of the common council shall be sufficient to order the same.

Expense of
improvements
defrayed by
assessment.

Exception as
to tracks.

SEC. 5. The common council may determine that the whole or any part of the expense, including costs of estimates, plans, surveys, assessments and other expenses incidental thereto, or any public improvement, shall be defrayed by an assessment on the lands to be benefited thereby, except where the improvement is made by paving or repairing between the street car tracks or railroad tracks and between the double tracks, curves and switches, and the paving required to be done by the street car companies or railroad companies on the outside of their tracks, the width provided for in their ordinances, the cost of which shall be assessed against said street car companies or railroad companies as a personal tax, and be placed in the special tax roll, the same as when any other special improvement is made. And the common council shall, either before or after the completion of such improvement, declare by resolution whether the whole or what portion of the cost of such improvement shall be assessed to said lands, except that portion to be paid for by said street car companies or railroad companies as above provided: Provided, however, That the assessment which may be levied upon any block or parcel of real estate, shall not exceed the benefit which it is especially deemed to have received by such improvement. When such improvement is completed, or as soon thereafter as may be convenient, the board of public works shall prepare a detailed statement of the cost of such improvement, showing the amount to be assessed on the property benefited, as provided by the resolution ordering the said improvement, and the amount of cost for paving between the street car tracks, railroad tracks, double tracks, switches, curves, and the distance, if any, outside of its said tracks, as provided for by the ordinances of said city.

Proviso.

Board of
public works
to prepare
statement.

To be
approved.

Council to fix
taxing
district.

Duty of
assessor.

SEC. 6. The same shall be certified to the common council, and when such statement shall have been approved by the common council, as reported by the board of public works, the common council shall then fix a taxing district, showing the property benefited and the amount of said improvement, and the same shall be certified to the city assessor, who shall proceed, without unnecessary delay, to make an assessment according to such order of so much of the cost of said improvement as may have been ordered specially assessed, upon all property in said district, specially benefited, in proportion to the benefit and advantage which each description of property is deemed to receive from the

making of such improvement, subject to the limitation of actual benefit, as provided in the preceding section; and said city assessor shall make out an assessment roll, reciting in the heading thereof the improvement, and in the body of which shall be entered the description of the property assessed, (except where the improvement is made by the city between the tracks, double tracks, curves and switches of the street car companies or railroad companies, and the space to be paved by said companies on the outside of their tracks, in which case the same and also the amount assessed against any railway company respecting bridges or viaducts, as provided for in the preceding section, shall be placed in the special assessment roll against said street car companies or railroad companies as a personal tax), the amount or amounts in dollars and cents assessed therein, and the names of the supposed owners thereof, when known, together with a diagram (which diagram shall be furnished by the city engineer) showing the property assessed and the names of the supposed owners thereof, written upon each description of property or parcel of land so specially assessed: Roll, how made, etc. Provided, In all cases where the ownership thereof is unknown to the city assessor, in lieu of the name of said owner, the words "non-resident" may be used; but no omission or misstatement of the owner's name shall invalidate the assessment thereon. Provido, when owner unknown.

SEC. 7. The city assessor shall certify upon said roll that he has made such assessment upon the property described, in accordance with the order of the common council relating thereto, and that said assessment contains a just and true assessment of the cost of such improvement (stating the sums thereof), and that the several amounts assessed against each description of property have been set down to the best of his judgment as said assessor, according to the benefit and advantage which each description of property is by him deemed to receive from the making of said improvement, and that each parcel thereof is benefited specially by such improvement to the amount of the assessment thereon; and that the amounts assessed to the street car company or companies, or railroad companies, is the actual cost of paving or repaving (as the case may be) between the tracks, double tracks, switches, curves and on the outside of the tracks of said street car or railroad company or companies. Assessor to certify to roll.

SEC. 8. As soon as said roll is completed and certified to by the city assessor, it shall be filed with the city clerk, who shall number it as "Special Roll No.... for the year 19... of the..... Taxing District," and shall also endorse the date when so filed thereon, and report the same to the common council without unnecessary delay. The rolls of the various classes of improvements shall be distinguished by a letter prefixed to the number of the roll, as follows: For sidewalks "A", for sewers "B", for street improvements payable in installments "C", for street im- Roll to be filed with clerk. Rolls, how distinguished.

provement payable in one year "D", for private sewer connections "E", for private water connections "F", miscellaneous rolls "G".

Notice of
completion of
roll.

SEC. 9. Upon notice of the completion of such assessment and filing of any special assessment roll, the common council shall cause notice to be given to all persons interested therein; such notice of hearing may embrace and name all such rolls to be heard at the same time, reciting the name of said roll, by publishing same in a newspaper published in said city for three consecutive issues of said paper, that the common council will at such time hear objection and appeals to said assessments. It shall not be necessary in such notice to recite the names of the persons interested.

Council to
hear com-
plaints.

SEC. 10. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment in whole or in part, or may set the same aside and direct a new assessment; or the common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may deem proper. And the common council may confirm and approve all or any number of said rolls upon a single roll call, unless some member of the council objects, and in case of such objection being made, the several rolls so objected to shall be voted upon separately.

May order
new assess-
ment.

When deliv-
ered to
treasurer.

SEC. 11. Every assessment roll so ratified and confirmed shall be final and conclusive, and within five days after the confirmation thereof the controller shall deliver the same to the treasurer. Upon delivery of such roll to said treasurer, the taxes therein specified shall become and be due and payable, and shall constitute a lien upon the property in said roll described; and the treasurer shall forthwith give public notice of the delivery thereof to him by publication four times in the official paper of the city. During the period of sixty days next after the receipt by the treasurer of rolls for the various classes of improvements designated by the letter prefixed to the number of the roll, as follows: For sidewalks "A", for sewers "B", for street improvements payable in installments "C", for street improvements payable in one year "D", for private sewer connections "E", for private water connections "F", for miscellaneous rolls "G", any person may pay to the treasurer the amount of any taxes assessed on rolls "D", "E", "F", and "G" without interest, and after the expiration of sixty days by payment of the amount thereof together with interest at the rate of one per cent per month, computed from the expiration of said sixty days to the date of payment. The treasurer shall be charged with the amount of such roll at the time of its delivery to him, and on or before May one next ensuing, he shall make and file under oath with said controller, a full

Duty of.

To report un-
paid taxes to
controller.

and complete transcript of all parcels of real estate in said roll upon which taxes remain unpaid, together with the amount thereof, and shall, upon such return being made, receive proper credit therefor upon the books of the controller. On or before the tenth day of May next following, the controller shall certify to the assessor the amount of such taxes, and a description of the premises assessed, and chargeable with such tax, who shall assess such unpaid taxes, together with interest at the rate of one per cent per month, on all sums so uncollected and unpaid, computed from the expiration of said sixty days hereinbefore specified, to the first day of August in the year in which the same shall be placed by the assessor as herein provided, in the tax roll next thereafter to be made, in a column specifying the proper taxing district to which the same belongs, and such tax shall then be levied, collected and returned, and the said premises may be sold for the non-payment thereof, as provided by law for the non-payment of other taxes.

Duty of
controller.

SEC. 12. In cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay every such assessment, made for the expenses of any public improvement in said city.

Owner to pay
assessment.

SEC. 13. Nothing herein contained shall impair, or in any way affect, any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.

Agreement be-
tween owner
and tenant
not affected.

SEC. 14. The term improvement, as used in this act shall be held and construed to include not only those set out and recited in the first section of this title, but the stumping, ditching and grading of all public streets, highways, lanes, and alleys, the construction of plank roads, the laying of pavements of wood or stone, including the crosswalks, flagging or macadamizing, with broken or pounded stone, of the streets or roadways of said city, the draining and filling of all low lands and lots, and the general betterment of all streets, highways, lanes, alleys, parks, public places and grounds within said city.

"Improve-
ment," how
construed.

SEC. 15. All proceedings of the common council, under the provisions of this title and title nine, shall be matters of record in the proceedings of the common council, and shall not fail on account of any technical or clerical error made by any officer or board of the common council of said city, nor because of any act not being done at the time or in the manner herein required, nor on account of the property having been assessed without the name of the owner, or in the name of any other person than the owner, or on account of the contract therefor having been let without a sufficient advertisement, or any advertisement for bidders, or on account of any other irregularities, informality or omission, or want of any matter of form or substance, in any pro-

Irregularities,
etc., not to
invalidate
proceedings.

Proceedings,
how con-
strued by
courts.

In case of
litigation.

ceeding that does not prejudice the property rights of the person whose property is taxed, and unless the party complaining of such failure shall show affirmatively that he has been injured thereby; and all such proceedings shall be construed favorably by all courts of this State, and they shall be presumed to be legal and valid until the contrary is affirmatively shown; and in case that any litigation may arise between the city and any person out of proceedings under this title, the court shall require the complainants to furnish bonds with sufficient sureties to indemnify the city against any loss or damage that may accrue to it from such proceedings before granting process of injunction against the said corporation. And in any case of proceedings involving the validity of said taxes and assessments, the same shall be held valid and sustained for such amount thereof as shall be found to be legally or equitably chargeable against the person or property against which the same is assessed. If two or more parcels of land are assessed together erroneously, the court before which such cause or proceeding is pending, shall, if practicable, ascertain the amount equitably chargeable against each, and sustain such tax or assessment against such parcel. And whenever necessary for the enforcement of such special assessment, it may be reassessed as provided in section twenty-eight of this title.

Power of
council as to
sidewalks.

SEC. 16. The common council shall have power to require the owners or occupants of any lands in said city to build, repair, keep in repair, and rebuild, when necessary, all sidewalks in said city, and the common council may, by ordinance, prescribe the dimensions of all sidewalks to be built in said city, and of what material the same shall be constructed, repaired, or rebuilt, and in such ordinance may fix the time within which the owner or occupant of any lands in front of which any sidewalk is to be built, repaired, or rebuilt, shall build the same, and the common council may prescribe such penalty for violation of such ordinance as they may deem proper, not exceeding the amount limited by this act; and the common council shall also have the power to prescribe, by ordinance, the time and manner when property owners may pay for the construction and reconstruction of sidewalks, and prescribe the rate of interest to be paid on all unpaid amounts.

Repairing,
etc., under
direction of
board of pub-
lic works.

SEC. 17. The building, repairing and rebuilding of all sidewalks in said city shall be done under the direction of the board of public works of said city. If any person shall refuse or neglect to repair any sidewalk in front of his or her premises of such material and width and in the time provided by the ordinances of said city, the board of public works shall repair the same, and the cost and expense thereof shall be paid out of the highway fund of the proper taxing district of said city, and the cost of repairing sidewalk

shall be assessed upon the land of such owner or occupant adjacent to such walk, in the same manner as provided for other public improvements. Whenever the common council shall by resolution direct the building or rebuilding of any sidewalk in said city, the work shall be done under the direction of the board of public works, and such proportion of the cost of building or rebuilding of said walk as the common council shall by ordinance prescribe, shall be assessed upon the land of such owner or occupant, adjacent to such walk, in the same manner as provided for other public improvements, except that the cost of building or rebuilding such walk shall be placed on the next general assessment and tax roll, and shall not extend over a period of years. Nothing herein contained shall be construed as exempting any person from being prosecuted for violating any ordinance of said city relating to sidewalks. If the owner or occupants of any lands in said city shall neglect or refuse to comply with any order of the common council or board of public works concerning the repairing of any sidewalk in said city, or if such owner or occupant shall suffer any sidewalk in front of his or their premises to be out of repair, so as not to be in a condition reasonably safe and fit for travel, such owner or occupant shall be liable to said city for all damages and costs recovered from said city by reason of such sidewalks being out of repair, and such damages and costs may be recovered by said city in any court of competent jurisdiction, which cost of suit, and any judgment recovered against said city shall be conclusive evidence of the liability of such owner or occupant of said city: **Proviso.** That such owner or occupant shall be notified of the pendency of any suit brought against the city to recover such damages, and requested to assist in the defense thereof.

SEC. 18. The common council of said city shall have power to compel the owners or occupants of any lands in said city, fronting on any street or streets in said city, to deepen or clean out the ditches and gutters at the sides of any and all streets in said city; and whenever the common council of said city shall determine that such ditches and gutters need cleaning or deepening, or both, they shall so declare by resolution, and direct the board of public works of said city to notify such owner or occupant of such lands to clean or deepen, or both clean and deepen such ditch or gutter, in such manner as said board shall direct, within five days from the time of service of such notice, and in case any such owner or occupant shall refuse or neglect to comply with such notice the work shall be done by the board of public works of said city, and such costs and expenses shall be assessed upon the lands of such owner or occupant, and collected in the same manner as other taxes for public improvements. No resolution ordering the building, repairing or rebuilding of sidewalks, in

Cost, how assessed.

Penalty for neglect of owner to repair.

Power of council as to gutters.

When board of works to clean, etc.

any street in said city shall be passed by the common council until the expiration of at least one week after such resolution shall have been ordered or introduced before said council.

When may
issue bonds.

SEC. 19. To meet the expense of improving streets in said city by paving, grading, graveling or otherwise in anticipation of the collection of the assessments and taxes to defray the expense and cost thereof, the common council may, by resolution, with the approval of the board of estimates, authorize and direct the mayor, controller and clerk of said city to borrow such an amount of money as may be required in any one year for such purpose and to issue bonds of said city therefor bearing interest at the rate not exceeding six per cent per annum, payable semi-annually, which shall be chargeable to and paid by the proper taxing district: Provided, That the total amount of bonds which the common council is thus authorized to issue shall not exceed six hundred thousand dollars outstanding at any one time. The common council may, when any of the above improvements are made, authorize that the bonds for making said improvements shall run for a period of not less than one nor more than ten years. And the amount of bonds which may be issued for such purposes shall be made payable in annual equal parts as ordered by the common council. The said bonds to be endorsed "Street improvement bonds of the taxing district," and to be numbered or lettered consecutively. Said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the "Street improvement fund" of the proper taxing district. All said bonds shall be paid at maturity, and the common council shall not have the power to authorize the reissue of the same bonds or of bonds to take up said original bonds.

Proviso.

How en-
dorsed.

When paid.

SEC. 20. All the sections of this title relative to ascertaining and assessing the cost of street improvements, shall be applicable to the ascertainment of the cost of street improvements paid for by proceeds of street improvement bonds; sewers paid for by proceeds of sewer bonds; sidewalks paid for by proceeds of sidewalk bonds or otherwise, and the assessment of said cost upon the property benefited thereby, all of said rolls to be designated by the city clerk as provided in section eight of this title. Every assessment roll so ratified and confirmed shall be final and conclusive, and when any such assessment shall have been confirmed by the common council, the assessment roll shall be attested by the city clerk, under seal, and it shall be deposited with the city assessor, who shall be responsible for its safe keeping, and two copies of said roll, as certified by the clerk of said city, shall be prepared by the city assessor; one shall be filed in the controller's office, and a copy in the city treas-

Roll, by
whom at-
tested, copies
of, etc.

Copies, where
kept.

urer's office, and shall be kept by them. Immediately upon receipt of such special assessment roll by the city treasurer, he shall notify the owner of each lot, block or parcel of land assessed in said roll, that a special assessment roll for a certain improvement, or for certain work, has been filed in his office, describing the roll by its official number or letter, the character or kind of improvement, its location, and the amount assessed against the description of property whose owner is notified, that the whole or any part of said amount may be paid during the succeeding sixty days without interest or additional cost, and that if it is not paid within the time specified, that the current year's interest charged will be added to any assessment when paid. Such notice shall be given in writing and shall be advertised at least four times in the official newspaper of said city. The different installments of any special assessment roll may be paid at any time, payments however will be required on installments first due, and all interest left off of all installments, except for the year in which said special tax or taxes are paid. At the end of said sixty days the said city treasurer shall file a detailed statement of the amount paid on the assessment against any lot, block or parcel of land in any roll with the city assessor, and the total amount paid on said roll to the city controller, who shall credit said amount on the copy of said roll in his office. The assessor shall divide said unpaid assessment against each lot, block or parcel of land into such a number of equal parts as the common council shall determine, one of which parts, together with the interest for one year, at a rate not exceeding six per cent per annum upon all sums remaining unpaid, shall be placed in the annual tax roll in the proper column of the proper taxing district thereof, upon and opposite the description of property described in said assessment roll in each year thereafter, until the same is all assessed upon said annual tax roll, if not otherwise paid. The city assessor shall, upon application of any property owner who desires to have any special tax divided on a piece or parcel of land by reason of sale of a part of said piece or parcel of land, after the special assessment was originally made, divide the tax according as, in his judgment, the different pieces or parcels of land are benefited by said improvement, and shall note same on said roll in his office, also on the copy of said rolls in the offices of the controller and treasurer, and such division shall be final and conclusive, provided the assessment levied on all the separate pieces and parcels of land shall not exceed the original assessment levied before the piece or parcel of land was divided.

Treasurer,
duties of, on
receipt of
roll.

Notice, how
given.

When to file
statement
with assessor.

Duty of
assessor as to
unpaid
assessments.

SEC. 21. On or before the first Monday of May in each year, the common council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor, from the special assess-

Council to
determine
amount neces-
sary for im-
provements,
etc.

ments levied in the respective taxing districts, under the provisions of section twenty of this title, to meet and pay the street improvement bonds of said city, and the annual interest thereon, theretofore issued for the benefit of the separate taxing districts of said city, and maturing in the year following the first day of July then next ensuing, and shall, with the approval of the board of estimates, cause the amounts so required to be raised in each taxing district respectively, to be certified to the assessor of said city, to be by him assessed upon all property, real and personal thereof. Such amounts the assessor shall spread on the annual tax roll, in the street improvement bond column thereof, upon the real and personal property of the proper taxing district of said city; and such taxes, when so assessed by the assessor, shall become a lien upon the premises assessed, the same as other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city, and for non-payment thereof, the premises may be sold in the same manner as for the non-payment of other taxes levied in said city, and when so collected shall be placed to the credit of the street improvement bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said street improvement bonds, and the principal of said bonds, as they shall fall due, or repayment to the city of the moneys advanced to pay the same, and for investment, as provided for in this act, and for no other purpose.

Taxes to be
lien.

Non-pay-
ment.

Advance pay-
ments, where
credited.

Funds, how
used.

Assessments
on lands of
non-residents.

SEC. 22. All moneys received for special assessment in advance of the year in which they fall due, shall be credited, to the sewer bond and interest fund, street improvement bond and interest fund, sidewalk bond and interest fund, according to which fund they properly belong, and all such money shall be used to retire the various bonds which were issued for the respective improvements, and it shall be the duty of the mayor, controller and city clerk, from time to time, as the money in the above funds accumulate, to purchase the interest bearing bonds of the city of Saginaw with this money, and said mayor, controller and city clerk are hereby authorized to purchase any part of any issue of such bonds at par, whenever the city of Saginaw has such bonds for sale, and there are such moneys in the respective funds not otherwise provided for, and such bonds, so purchased, shall not then be included in the bonded indebtedness of the city.

SEC. 23. The common council are hereby authorized to cause to be assessed upon the lands of non-residents of said city their just proportion of the expenses of cleaning and repairing streets and sidewalks, and removing nuisances and the said expenses shall be assessed in the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of non-

payment of the same, as in relation to the assessments for public improvements in said city, except as the common council may otherwise determine or direct.

SEC. 24. When the treasurer shall have levied on personal property for the non-payment of any tax or assessment in this act provided, he shall proceed to advertise and sell the same in the same manner and upon like notice, and make return of all money received therefrom, as is or may be required by the general laws of this State in the levy and sale of personal property for the non-payment of taxes by township treasurers.

Sale of property for taxes.

SEC. 25. The common council shall permit any person, who shall be the owner or agent of any tract, plat, or addition within the limits of said city, to improve, grade, plank or pave any street lying within said tract, plat or addition, the cost of which, if improved by order of the council, could be assessed against said lands: Provided, All such work shall be done under the superintendence of the board of public works, and shall, in all respects, conform to the established plan and grade for streets in said city.

Owner or agent may improve or pave, etc.

Provido.

SEC. 26. Whenever any special assessment for the improvement of a street, or for any other public work, shall, in the opinion of the common council, be deemed invalid, the common council may vacate and set aside the same; and whenever any special assessment shall be vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, the common council may cause a new assessment to be made; such new assessment shall be made in the manner provided for making original assessments of like nature, and whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment has been paid and shall not have been refunded, it shall be the duty of the assessor and controller to apply such assessment (upon the re-assessment) upon said lot or parcel, and to make a minute thereof upon the new assessment roll. All the provisions of this act making special assessments a charge against the person assessed, or a lien upon the lots and parcels of real estate embraced therein, and also those relating to the collection and return of special assessments, shall, in like manner, apply to such reassessment. No judgment or decree, nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such an amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceedings might have been lawfully assessed thereon. And no defect, irregularity or omission in the proceedings for making the improvement or doing public work, to pay for which special assessment is made, which occurred either before or after the letting of the contract therefor, shall affect the right of the city to re-assess the same upon the property benefited:

May vacate and set aside, special assessment, when deemed invalid.
New assessment.

When tax, on original assessments, has been paid.

Provisions for special assessment, to apply to re-assessment.

Judgment, decree, etc., not to destroy lien of city.

Proviso.

Provided, The improvement or public work has been actually done or the liability therefor incurred. The provisions of this section, and of section fifteen of this title, shall apply to special assessments heretofore made in said city, and in the former cities of Saginaw and East Saginaw, as well as to those which shall hereafter be made.

Power to subdivide into streets or highway districts.

SEC. 27. The common council shall have power, by ordinance, to subdivide the city into streets or highway districts, and to provide for the raising and expenditure of a highway fund in each district separately, and to restrict the expenditure in the separate districts for highway purposes to the amount raised within the limits thereof.

Two taxing districts, boundaries of.

SEC. 28. The said city is hereby divided into two taxing districts, to be denominated "The Eastern Taxing District" and "The Western Taxing District," the boundary between which shall be the center line of the Saginaw River, for the assessment of taxes for the following purposes, viz.:

First, The construction, maintenance and repair of sewers and drains;

Second, The opening, extension, grading, turnpiking, graveling, planking, macadamizing, paving or other improvements of streets, alleys and public spaces;

Third, The construction and repair of sidewalks, and the cleaning and deepening of street ditches;

Proviso.

Fourth, The maintaining and extending of the water works system, situated in each taxing district: Provided, however, That the expenses for all such purposes shall be paid by the taxing district in which the improvement exists or is made, and so much of the cost thereof, as under the provisions of this charter, is or may be apportioned to the property benefited, shall be assessed exclusively upon property within the taxing district wherein the improvement is made.

Bonds, when issued to be in name of city of Saginaw.

Whenever, under the provisions of this charter, bonds may be issued to provide for the payment of such improvement, the same shall be issued in the name of the city of Saginaw, and the faith and credit of the whole city shall be pledged for the prompt payment of both principal and interest to the holder. The common council shall, however, at the time of the passage of the resolution authorizing the issue of such bonds, expressly state the amount and the number of bonds separately which shall be issued to meet the cost of such improvements in the eastern district and in the western district respectively, and when sold, the proceeds of such bonds shall be paid into the appropriate separate funds of the eastern district and western district respectively, and shall be used only in the district for which the same are raised; and each taxing district shall stand charged with and shall pay to the city of Saginaw for all improvements made within its boundaries, and the bonds issued therefor, and shall not as a taxing district be liable or pay for such improvements made

To be kept separate.

in the other district, or the bonds issued therefor. To meet the cost of said special improvement hereinbefore specified, and to enable the city to pay the bonds issued therefor or any other indebtedness incurred on account thereof, taxes and assessments shall be assessed, levied and collected in the manner provided in this charter, separately in said eastern taxing district and said western taxing district respectively, and when collected shall be paid into the separate fund thereof, and be used and applied by the city in the extinguishment of the bonded or other indebtedness incurred in the making of said improvement within such district. If at the maturity of any bond issued by the city for such improvement, the separate special fund of the district to which it is chargeable shall be insufficient to pay the bond, the city shall advance to the special fund the additional amount required to meet the bond in full, and interest on such advance shall be charged to the special fund and credited to the city, at the rate of six per cent per annum, until the moneys so advanced are fully repaid, and the city shall be, and is, authorized from year to year to assess against and levy on all the taxable property within the proper taxing district, taxes to an amount sufficient to repay all such advances with the interest thereon.

Taxes and assessments, eastern and western taxing districts.

When separate special fund is insufficient to pay bonds at maturity.

SEC. 29. All the present indebtedness, bonds or otherwise, of the former city of East Saginaw, shall be exclusively charged upon and paid by the eastern taxing district; and all such present indebtedness of the former city of Saginaw, as it existed prior to the first Monday in March, eighteen hundred ninety, excepting the bonds issued for the construction of the Saginaw county court house, shall be exclusively charged upon and paid by the western taxing district. The payments of such indebtedness shall be provided for by taxes levied in the respective taxing districts, chargeable therefor at such times and in such amounts as the common council may by resolution direct; and all taxes or assessments collected in such respective taxing districts shall be placed to the credit thereof in the proper fund of such district, and be used only for the purpose of paying and retiring the separate indebtedness thereof. The common council shall have power, in its discretion, to reissue bonds to retire all such indebtedness, and the faith and credit of the whole city shall be pledged for the prompt payment of both principal and interest to the holders, and when issued such bonds shall constitute a charge only on the district to pay the indebtedness for which the same were so issued.

Division of present indebtedness.

Providing for payment of indebtedness.

Power to reissue bonds.

SEC. 30. The common council of the city of Saginaw is hereby authorized and empowered to borrow on the faith and credit of said city after the same shall have been first approved by the board of estimates of said city, a sum not exceeding two hundred thousand dollars for a period not exceeding ten years, at a rate of interest not exceeding five per

Authority to bond.

cent per annum, and to make, execute, negotiate, issue, deliver and sell the bonds of said city therefor, with proper interest coupons attached thereto in such manner as said council shall determine, which said bonds in no case shall be sold for less than par value.

Denomination. SEC. 31. Said bonds shall be denominated "Sidewalk Bonds" and the proceeds thereof shall be used in defraying the cost and expense of building sidewalks and cross-walks upon the public streets or highways within the corporate limits of the city of Saginaw and for no other purpose.

TITLE IX.

SEWERS AND DRAINS—CONSTRUCTION, MAINTENANCE, ASSESSMENTS.

SECTION 1. The board of public works shall have exclusive superintendence and management of all sewers, drains or pools now constructed or to be constructed, and shall make all rules and regulations relative to the construction, use and preservation of sewers and all private drains entering sewers. If any person shall, in constructing any private drain, or making any connection with a sewer, neglect or refuse to follow and conform to such regulations, the said board may cause such work to be done in accordance with such rules and regulations, and the cost thereof shall be certified by the board to the assessor, and such costs, when certified to the assessor, shall be a lien on the land or premises using such drain or connection with a sewer, and the assessor shall assess the same upon the owners of such premises in the next annual tax roll, in the sewer bond and interest column thereof, and it shall be collected and paid as provided for the general taxes.

Neglect or refusal to conform to regulations.

SEC. 2. The current cost of altering, repairing and cleaning sewers and drains and all incidental expenses of management, shall be estimated by the board of public works, who shall report to the common council on or before the first Monday in April in each year the amounts so estimated and required for the next ensuing year, and when the same is approved by the common council, shall be assessed by the assessor upon the real and personal property in the city of Saginaw, and included in the next annual tax roll of said city, placed in the highway fund column and when collected placed to the credit of the highway fund of the proper taxing district.

Who to estimate cost of altering, etc., of sewers and drains, and report.

SEC. 3. The permanent sewerage plan heretofore adopted in East Saginaw and Saginaw city shall remain, but the board of public works shall have the power from time to time to make such plans for changes therein, or extension thereof, or such additional plans for drainage and sewerage

Permanent sewerage plan heretofore adopted to remain.

as the public interests may require, but all plans, changes and extensions shall be devised with a view to establish and maintain a regular system. All plans shall show the location, direction and size of each drain and sewer, whether mains or laterals, and connections with other drains and sewers, and such other particulars as may be necessary to present a complete plan of drainage and sewerage for the city, or that portion of the same designed to be embraced in the plan.

Plans, what to show.

SEC. 4. Whenever the board shall have prepared any plan or additional drainage or sewerage, or for extension or changes in the existing plans the same shall be submitted to the common council, and upon its being adopted and confirmed by that body, and certified to by the city clerk and said board, shall be filed in the office of the register of deeds of Saginaw county, whereupon the plan or any part thereof therein set forth, shall become the permanent plan of sewerage of said city, subject to be changed only by the unanimous recommendation of said board and the votes of two-thirds of the members of the common council, certified and filed as herein provided.

How additional drainage or sewerage plans may become permanent.

SEC. 5. The said board shall, in the month of March in each year, report to the common council what public sewers or drains they may deem necessary to build in the ensuing year, and shall accompany the report with an estimate of the cost of each and all such drains and sewers, and the said board may also, after the month of March, but not later than the first Monday in July in each year, bring in a supplemental list of sewers to be built.

When to report what sewers or drains are necessary.

Supplemental list.

SEC. 6. The common council shall decide what public sewers and drains of those reported by the said board, in accordance with such sewerage plan, shall be built, and shall, through the city clerk, notify the board of their decision, and said board shall proceed to advertise for proposals to build the sewers and drains ordered to be built by the common council, under such specifications and forms as said board shall deem necessary, in manner and form required by the provisions of this charter in regard to the letting of contracts for public improvements.

Common council to decide what sewers and drains shall be built.

SEC. 7. Said board shall not lay down or construct any sewer or drain in said city, or purchase any material, or enter into any contract, except as herein provided, except in case of any unexpected casualty or damage to the sewers or drains of said city, in which case said board may cause the same to be repaired to an amount not exceeding five hundred dollars.

In case of unexpected casualty or damage.

SEC. 8. To meet the expense of the construction of sewers in the eastern and western taxing districts of said city, in anticipation of the collection of assessments and taxes to defray the cost thereof, the common council may, by resolution, with the approval of the board of estimates, declare the

To declare amounts to be raised for sewers in each tax district separately.

Proviso,
issue of bonds.

Common
council not
to have power
to reissue
certain bonds.

Assessment
for cost of
construction
of lateral
sewers.

Power by
resolution to
determine
assessment of
cost on
property
benefited.

To fix
assessing
district.

amounts necessary to be raised for sewers in each taxing district separately, and by like resolution authorize and direct the mayor, controller and clerk of said city to borrow a sum not exceeding sixty thousand dollars in any one year, and for that purpose to issue the bonds of the city bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, and to pledge the faith and credit of the whole city for the prompt payment of the principal and interest to the holder thereof, as provided in section twenty-eight of title eight: Provided, That the total amount of the bonds which the common council is thus authorized to issue shall not exceed three hundred thousand dollars outstanding at any one time. The common council, whenever any such amount is to be raised, may authorize that the bonds shall run for a period of not less than one nor more than ten years; and the amount of bonds which may be issued for such purpose shall be made payable in equal annual parts as ordered by the common council, all to be endorsed "sewer bonds" and numbered consecutively. Said bonds shall not be sold for less than par value, and the proceeds of the same shall be paid to the city treasurer, and be by him placed to the credit of the separate sewer fund of the proper taxing district. All such bonds shall be paid at maturity, and the common council shall not have power to authorize the re-issue of such bonds, or of bonds to take up said original bonds. The amount and number of the bonds issued for each taxing district shall be specified. The proceeds shall be paid into the separate fund of each, and the respective districts shall be separately taxed and pay for the cost of such sewers within their respective limits, and the said bonds issued therefor, and for all advances made by the city for interest or principal thereof, all in manner and form as provided in section twenty-eight of title eight.

SEC. 9. The assessment for the cost of the construction of lateral sewers shall be made by the city assessor, and collected by the city treasurer, in the manner herein provided for making and collecting special assessments for street improvements.

SEC. 10. The common council shall have the power by resolution to determine either before or after construction, that the whole or any part of the cost of any lateral sewer, and that the whole or any part of that proportion of the cost of any main sewer, which in the opinion of the common council shall equal the cost of a twelve-inch lateral sewer, shall be assessed upon the property especially benefited thereby in proportion to the benefit derived by such property from the construction of said sewer, and to direct such special assessment to be made by the city assessor.

SEC. 11. When the common council have made this determination as to the proportion of the cost of any main or lateral sewer, which shall be specially assessed upon the

property benefited, they shall fix an assessing district and their action in respect thereto shall be duly certified to the city assessor, who shall, as soon as may be thereafter, proceed to make an assessment according to such order of so much of the cost of said improvement as may have been ordered specially assessed, upon all property specially benefited, in proportion to the benefit and advantage which each description of property is by him deemed to receive from the construction of said sewer. He shall cause diagrams to be made, which plans shall be furnished by the city engineer, showing the property assessed, and the names of the owners thereof, when known, and when such assessment is made the city assessor shall submit the same to the common council. Upon the submission as aforesaid, the clerk of the city shall cause notice of the same to be published in the official newspaper of the city, for three successive times, that the common council will, on such a day as they shall appoint, proceed to hear any appeals from the said assessment.

Diagrams, showing property assessed, to be made.

Clerk to cause notice to be published.

SEC. 12. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment, in whole or in part, or may set the same aside and direct a new assessment; or the common council may ratify and confirm such assessment without any corrections or with such corrections therein as they may think proper. And the common council shall confirm and approve all or any number of said rolls upon a single roll call, unless some member of the common council objects, and in case of such objection being made, the several rolls so objected to shall be voted upon separately. When any such assessment for the construction of sewers shall have been confirmed by the common council, the assessment roll shall be attested by the city clerk under seal, and it shall be deposited with the city assessor, who shall be responsible for its safe keeping, and a copy of said roll certified by the clerk of said city, shall be deposited with the controller and remain in his office. The assessor shall divide such assessment, on all sewers hereafter ordered, into five or more equal parts, as may be fixed by resolution of the common council, one of which, together with the interest at the rate of not to exceed six per cent for one year upon all sums remaining unassessed, shall be placed in the annual tax roll, in the sewer column thereof, upon and opposite the description of property described in said sewer assessment roll, in each year thereafter, until the same is all assessed upon said annual tax rolls.

When common council to hear complaints against assessment.

When assessment confirmed.

Assessor to divide assessment.

SEC. 13. On or before the first Monday in May in each year the common council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor from the special assessments

Common council to ascertain and determine certain amount.

Amounts
assessor shall
spread on
tax roll, in
sewer bond
and interest
fund column.

levied in the respective taxing districts under the provisions of sections eleven and twelve of this title, to meet and pay the sewer bonds of said city, and the annual interest thereon theretofore issued for the benefit of the respective taxing districts of said city, and maturing in the year following the first day of July then next ensuing, and shall upon the approval thereof by the board of estimates, as in this act provided, cause the amount so required to be raised in each taxing district, respectively, to be certified to the assessor of said city, to be by him assessed upon all the property, real and personal, thereof. Such amounts the assessor shall spread on the annual tax roll, in the sewer bond and interest fund column thereof, upon the real and personal property of the proper taxing district of the city, and such taxes when so assessed by the assessor, shall become a lien upon the premises assessed, the same as any other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of the city, and for non-payment thereof the premises may be sold in the same manner as for other taxes levied in said city, and when so collected shall be placed to the credit of the sewer bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said sewer bonds, and the principal of said bonds, as they shall fall due, or repayment to the city of moneys advanced to pay the same, or for investment as provided for in this act, and for no other purpose.

When may
invest certain
moneys in
bonds.

SEC. 14. After payment into the treasury of any money received for assessment or taxes under the sewerage system, the city treasurer shall, under the direction of the mayor and controller, invest such sums not required to pay expenditures, interest or bonds during the present year, in bonds of the United States, or of this State, or purchase therewith unmatured sewer bonds, or other bonds of said city, as may be most expedient or beneficial to the city:

When neces-
sary to con-
struct sewer
through pri-
vate property.

SEC. 15. In case said board of public works shall, in devising and framing a plan of sewerage and drainage, find it necessary to construct a sewer through any private property, and such sewer or drain cannot be constructed so as to properly drain any portion of said city without carrying same through such private property, not opened as public, it shall be lawful for said board, or a majority of them, to present a petition to the common council for appropriating said property, and said common council shall proceed to open the same, as hereinafter provided.

When street
improvements
ordered, and
owners or
occupants fail
to connect
premises with
public sewer.

SEC. 16. The said board may prescribe regulations for the use of said sewers, and may license persons to open the same. And whenever the common council shall order any portion of any street to be paved, repaved or otherwise improved, and the owner and occupant of any block, parcel or subdivision of land, fronting thereon, shall upon notice in accordance with the ordinance of said city, fail to connect

said premises with the public sewer in said street as now or hereafter required, said board of public works may cause said connection to be made, and the pipe to be carried to the curb line of said street, and the labor and material furnished therefor may be charged against said property, and shall be assessed against the same in the same manner and with the same force and effect as is now or may hereafter be provided by the ordinances of said city, and by title eight of the charter for making special assessments.

SEC. 17. Whenever necessary, private property may be appropriated for the purpose of laying out, constructing, extending or enlarging any public sewer or the outlet thereof, under and pursuant to the provisions of act number one hundred twenty-four of the session laws of eighteen hundred eighty-three, entitled "An act to authorize cities and villages to take private property for the use or benefit of the public, and to repeal act number twenty-six of the public acts of eighteen hundred eighty-two," approved May thirty-one, eighteen hundred eighty-three, or under or pursuant to any general law of the State which may hereafter be enacted.

Private property may be appropriated for laying out, etc., any public sewer.

TITLE X.

FIRE DEPARTMENT.

SECTION 1. The common council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom, and for this purpose to establish and maintain a fire department; to organize and maintain fire, hose and hook and ladder companies; to make and establish rules and regulations for the government of the department, employes, the firemen and officers thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the department, and prescribing the duties and powers of such employes, firemen and officers.

Powers and duties.

SEC. 2. The chief of the fire department shall be appointed by the common council by ballot, in the manner provided in section fourteen of title two for the appointment of other officers; and shall be retained as such so long as he shall remain competent and efficient in the performance of his duties, except upon a two-thirds vote of the common council the said chief may be removed at any time for cause.

Chief, how appointed.

SEC. 3. There shall be a committee of three members of the common council, appointed by the mayor, to be known as the committee on fire department, who, together with the chief of the fire department, shall have the direct and immediate control and management of the fire department of

Committee on fire department, duties of.

Power to try
and determine
complaints.

the city of Saginaw, and of the property and apparatus belonging thereto. Said committee shall have charge of the erecting, altering and repairing of all engine houses and fire stations and sidewalks, platforms and bridges adjacent thereto, when said work has been first duly authorized by the common council. Said committee, together with the city controller, shall be empowered to make necessary purchase of horses, and make all necessary repairs to apparatus, to an amount not exceeding the amount appropriated and collected for the several purposes. Said committee shall have stated meetings at such times as the common council may prescribe by ordinance. Upon the recommendation of the chief of the fire department said committee shall also have the power of appointing all firemen and members of the fire department, except the chief, who shall be retained as such, while they shall continue competent and efficient in the performance of their respective duties. Said committee shall have full power to try and determine all complaints against any member of said department, and to remove them, or any of them, summarily, or on conviction of insubordination, neglect of duty, incompetency, or violation of the rules, regulations or ordinances governing said department. Said committee shall also have the power, upon the recommendation of the chief of the fire department, to make such changes in the positions held by any member of the department, either to promote him or place him in a subordinate position, as they may deem for the best interests of the department.

TITLE XI.

POOR DEPARTMENT.

X
Director of
the poor.

SECTION 1. The common council shall appoint a director of the poor, who shall hold his office for a period of two years, and shall, with the committee on poor, have charge of all the indigent poor persons in the corporate limits of said city of Saginaw, and shall provide for their support as the common council may by ordinance direct. Said director and committee on poor shall possess such powers and authorities as provided for by ordinance, and by the laws of this State, in relation to the care of the poor.

To be under
direction of
committee on
poor.

SEC. 2. Said director shall be under the direction and supervision of the committee on poor, and it is the duty of the committee on poor to see that all the provisions of the ordinances of said city, in reference to the support of the poor shall be enforced; and if said director wilfully neglects and refuses to carry out the instructions received from said committee on poor, and the ordinance, it shall be grounds for preferring charges against said director before the common council for his removal.

TITLE XII.

POLICE COURT.

SECTION 1. The recorder shall have the authority and shall perform all duties connected with the office of police judge as authorized by the charter of the city of Saginaw. A police court shall be held in said city at the city hall to be styled the Police Court, and a session of said court may be held daily at seven-thirty a. m. in the central police station, and as soon thereafter as possible in the west side police station; said court, however, shall not be a court of record. Said recorder, acting as police judge, shall have power and authority to take complaints, issue any process necessary in said court, to be signed by said judge; and the court shall have the same power to punish contempt and preserve order, to compel the attendance of witnesses, parties and jurors, and to determine as to the qualifications of jurors, as a circuit court and the judge thereof, and such further powers incident to a circuit court and the judge thereof as may be convenient in the exercise of the jurisdiction and powers herein conferred upon him as such court. He shall also have all the powers and authority of a justice of the peace in the trial of civil cases. In every criminal trial in said court by jury, the city or the people, as the case may be, shall be entitled to but two peremptory challenges. The recorder, acting as police judge, shall have and exercise the same jurisdiction and power in all civil suits and proceedings and perform the same duties in all respects so far as occasion may require, as the police judge heretofore of said city and as are or may be conferred upon or required of justices of the peace by the general laws of this State, and such further powers as are conferred by this act, and shall have jurisdiction in all civil cases where the plaintiffs, or any of them, or the defendants, or any of them, reside in the county of Saginaw. The recorder, acting as police judge and as recorder, shall receive an annual salary. The clerk of said court shall receive an annual salary to be paid by the city, in the manner herein provided. Neither the chief of police, nor any member of the police force of said city, shall receive for his own use any fees for services performed under this act, but such fees shall be the property of the city of Saginaw and paid to it.

Session, when held.

Recorder, acting as police judge.

Power of justice of the peace in civil cases.

Recorder, jurisdiction of.

Salary.

Fees, property of city of Saginaw.

SEC. 2. Said police court shall have original jurisdiction to issue process for, hear, try and determine all cases against persons charged with violations of the provisions of the charter of said city, or of any acts of the legislature, relative to the government thereof, and of the by-laws and ordinances of the common council thereof already enacted, or that may hereafter be enacted, anything in any other law of this State, or the charter of said city, or any ordinance of

Original jurisdiction, to issue process for, hear, etc., all cases against violating provisions of city charter.

Cases of misdemeanor and of a quasi criminal nature, within corporate limits of county. Authority to sentence.

Dockets and files to be prima facie evidence of proceedings.

Practice, same as in courts of justices of the peace.

said city contained to the contrary notwithstanding, and shall have concurrent jurisdiction with justices of the peace in all civil cases, and all the provisions of the law relative to complaints against offenders for violation of the provisions of the charter of said city, or any by-law or ordinance of the common council of said city, or of the acts aforesaid and relative to process, proceedings and judgments therein, and relative to executions upon such judgments and proceedings thereon, shall apply to said police court, and the judge thereof shall have all the power and authority heretofore conferred by the charter, by-laws and ordinances of said city upon the police justice thereof. Said police court shall have original jurisdiction to issue process for, hear, try and determine all cases of misdemeanor and of a quasi criminal nature, committed within the corporate limits of said county, heretofore or hereafter, within the jurisdiction of said justice courts, anything in any other law of this State contained to the contrary thereof in anywise notwithstanding. Said police court shall have original jurisdiction to issue process for, hear and examine, and to hold to bail, or to discharge all persons charged therein with the commission of felonies within the corporate limits of said city. Said police court shall have authority to sentence any person convicted therein of the commission of a misdemeanor, and triable in justice courts of this State, the same as justices of the peace may by law do, and in all other cases of misdemeanor, as is or may be provided by law for such offenses. It shall not be necessary to file a record of any conviction had in said court, but the dockets and files shall be prima facie evidence of all proceedings had in said court; and in all cases of the violation of the provisions of the charter, by-laws and ordinances of said city, each member of the police force of said city, may make arrests without process, when committed within its presence; in which case complaint and arraignment shall be made without delay, so that no injustice shall be done.

SEC. 3. The practice of said court shall be the same as the practice in courts of justices of the peace and the laws of the State relative to such practice, and the procedure before justices of the peace shall, except when herein otherwise provided, extend to the police court so far as is consistent with the practice of said court. All process issued out of said court shall be signed by the judge thereof, and in criminal cases directed to the chief of police or any member of the police force of said city. The chief of police or any member of the police force of said city, shall, under this act, possess all the powers and authority hereinbefore given them by the charter of said city, or any other law of this State, or ordinance or by-law of said city, and shall have exclusive power, and it shall be their duty to serve and execute all

process issued out of said court in criminal cases: Provided, ^{Proviso.} however, Said recorder, acting as police judge, may direct ^{service of warrants by sheriff.} the service of warrants by the sheriff of said county, by his order endorsed upon any such process. It shall be the duty of the sheriff to keep a record of all process. It shall be the duty of the sheriff to keep a record of all process placed in his hands to be served and executed, which record shall show the date of the process, name of the accused, a summary of the proceedings had therein, and the amount of fees and charges of the officer who shall execute the same.

SEC. 4. It shall be the duty of the common council of said city to provide a suitable office for the clerk of said court, adjacent to the court room thereof, and such necessary furniture, fuel, records, blanks, stationery and other articles that may be required for the court, clerk and other officers of said court. ^{Office for clerk of court.} X

SEC. 5. The police court shall always be open for business, but may adjourn its sittings from day to day, and from time to time, as may be convenient and not inconsistent with the dispatch of business therein; cases and examinations pending in said court may be adjourned from time to time, not exceeding three months from the arraignment of the accused therein, unless the court shall be satisfied by proper evidence that the attainment of justice requires a further continuance, and then only for such further time as the exigency of the case for the attainment of the object aforesaid shall require. One member at least, of the police force of said city, shall attend each session of said court as the officer thereof. In case of the removal from the city of said judge of said court, his death, resignation or removal from office, his office shall be vacant and such vacancy filled in the manner hereinbefore provided; the same cause shall be deemed to constitute a vacancy in the office of the clerk of said police court, and such vacancy shall be filled in the manner hereinbefore provided for the appointment of such clerk. ^{Court, always open for business.}

SEC. 6. The defendants in criminal cases shall have the right of appeal, provided such appeal shall be taken and perfected within twenty-four hours from the time of the court pronouncing its judgment or sentence, and certiorari from final judgment of said court, as provided by law for appeals and certiorari from final judgments of justices of the peace in criminal cases, such appeals being taken and perfected as hereinbefore in this section provided. Appeals and writs of certiorari, both in city and State cases, shall be taken, perfected and returned in the manner provided by law for like acts before justices of the peace in criminal cases, except as herein otherwise provided, and appeals in civil cases shall be taken the same as from justice courts. ^{In case of removal of judge of court.}

SEC. 7. The justice of the peace of said city shall be assistant police judge, and shall exercise the power, authority and jurisdiction conferred upon said police judge in case of ^{In criminal cases, right of appeal.} ^{Appeals and writs of certiorari.} ^{Assistant police judge.}

During absence, etc., to receive no salary.

Fines and costs, collected in certain cases to be paid into city treasury.

Fines collected in State criminal cases to be paid into the county treasury.

Fees of witnesses, jurors, etc.

the absence, inability or disability of the recorder to perform the duties of police judge, and in case of vacancy of the office of recorder, said assistant police judge shall have power to and perform the duties of police judge until such vacancy shall be filled. During the absence, inability or disability of the recorder to perform the duties of the office of police judge, he shall receive no salary.

SEC. 8. Cases commenced in the name of said city for violations of the provisions of the charter or ordinances of said city, or any act of the legislature relating to the government thereof, shall be prosecuted and proceeded in and the judgment thereon, and the final process upon said judgment to carry the same into effect, shall be in all respects as in criminal cases, but all fines and costs collected in such cases, and also all costs collected in State criminal cases, shall belong to and be paid by the clerk of the police court into the city treasury of Saginaw on the first Monday of each and every month, or within three days thereafter; but all fines collected in such State criminal cases shall belong to and be paid into the county treasury at the same time, and receipts therefor duly issued to said clerk. Said clerk shall at the same time report in writing to the common council of said city in city and State criminal cases, and to the board of county auditors in State criminal cases, the names of all persons tried in said court during the preceding month, the offense charged against each, and the amount of fines and cost separately collected by him and shall make oath thereto that the same are correct and that he has paid over all said moneys respectively, in accordance with the provisions of this act. All costs, fees and expenses of trying, examining and committing offenders against any law of this State in said court, shall, unless collected, be audited and paid to said city in the manner provided in section twelve of title six of this act.

SEC. 9. The fees and cost in each case in said court, whether under the laws of this State, or under the charter, by-laws or ordinances of said city, shall be the same as are or may be provided by law for like cases before justices of the peace in criminal cases, and shall be taxed, and an itemized bill kept in each file thereof. The fees of witnesses, jurors, sheriffs and constables, other than police officers of said city, shall, when collected, be paid to them by said clerk, to their own use, and in city cases, commenced before said police court for the recovery of fines, penalties or forfeitures, and in all cases of offenses against the criminal laws of this State, within the jurisdiction of said court, to try and determine, if the defendant shall plead guilty to the offense charged, or shall be found guilty thereof on trial by said judge or jury, judgment for cost accruing in the case shall be rendered against and paid by said defendant, in addition to the fine, penalty or forfeiture imposed.

SEC. 10. The said recorder, acting as police judge, shall have authority in all cases, either State or city, at his discretion, either before or after issuing of process, to require of the complaining witness security for costs to the satisfaction of said judge or clerk, and the persons becoming such security shall sign a memorandum in writing to that effect, which said clerk shall keep as a part of the record in the case. If the defendant or accused be discharged on examination or acquittal on trial, the said recorder acting as police judge shall enter a judgment for costs against the surety and the complaining witness, either or both of them, which shall be of like force and effect and shall be collected as by judgments rendered by a justice of the peace in actions commenced by warrant, and of like form with such executions, as near as may be: Provided, however, Before rendering such judgment said judge shall cause to be certified on the record that such payment of costs by such complainant is just and equitable.

Security for costs.

Judgment for costs, when judge shall enter.

Proviso.

SEC. 11. The circuit court of the county of Saginaw shall have exclusive appellate jurisdiction of all causes, civil or criminal, brought before the recorder, acting as police judge, and justice of the peace of said city, and also of all prosecutions brought for violation of this act, or of any ordinance of said city, and of all actions for the recovery of any fine, penalty or forfeiture for the violation thereof. Appeals may be taken from, and writs of certiorari may issue to said recorder, acting as police judge, and said justice of the peace, in the same cases, upon the same conditions, and with like effect as is now, or may at any time hereafter be provided by the general laws of the State in respect to actions, prosecutions and proceedings before justices of the peace in the several townships of the State: Provided, That on the trial of all appeals from any convictions for violation of the provisions of this act, or of any ordinance made in pursuance thereof, the city attorney shall be entitled to appear and to prosecute the same, and may exercise the same powers and perform the same duties in the prosecution thereof as are exercised and performed by the prosecuting attorney of Saginaw county, on the trial in said court of offenses against the general laws of the State. No warrant for the violation of any ordinance of the city of Saginaw shall issue by said recorder acting as police judge only upon the written order of the city attorney. If for any cause a vacancy shall appear in the office of recorder, the common council of said city may order a special election to be held for the election of a recorder for the remainder of the term of said judge, which said election, if ordered, shall be conducted in the same manner as the biennial city elections, and the same notice thereof given as is required by law to be given for the biennial city elections.

Circuit court of county to have exclusive appellate jurisdiction.

Proviso.

How warrant shall issue by recorder, acting as police judge.

Clerk of police and justice's courts, how elected, term of office, etc.

SEC. 12. At the first regular meeting of the common council of the city of Saginaw, after this act takes effect, the common council of the city of Saginaw shall elect one resident and elector of said city, clerk of the police and justice's courts, who shall hold office until the first regular meeting of the common council in January, nineteen hundred seven, and until his successor has been elected and qualified, and thereafter the term of said office shall be two years. At the first regular meeting in January, nineteen hundred seven, and every two years thereafter, the common council shall elect a clerk of the police and justice's courts, who shall be a resident and elector of the city of Saginaw. Before entering upon the duties of his office, said clerk shall take and subscribe and file in duplicate, with the clerk of said city and with the clerk of the county of Saginaw, respectively, the constitutional oath of office.

Oath of office.

Clerk to furnish bonds, to city and county.

SEC. 13. Before entering upon the duties of his office, the clerk of the police and justice's courts shall give a bond to the city of Saginaw and a bond to the treasurer of the county of Saginaw, each in the sum of two thousand dollars, with sufficient sureties to be approved by the common council of said city, and by the treasurer of said county, respectively, conditioned for the faithful discharge of the duties of his office, and to account for and pay over to the proper treasurers, in the manner and at the times hereinafter provided, all moneys which shall come into his hands by virtue of said office. The bond to the city shall be filed with the city clerk, and the bond to the treasurer of said county shall be filed with said treasurer.

Bonds, where filed.

Duties of clerk of police court.

SEC. 14. The clerk of the police court shall keep the records of said court and justice courts and do all the necessary clerical labor of said court and be the custodian of the records and files and property of said court in all criminal cases; and he shall provide the court and its officers with necessary stationery, record blanks and other articles to be furnished by said city on requisition on the controller thereof. The journal and docket entries of said court shall be signed by the judge thereof. The clerk shall receive and account for all moneys collected. The clerk of said court shall file and preserve all the records and files of said court, and he shall not be concerned as counsel in any case therein; he may sign and seal all writs and process issuing from said court, as provided in this title, and shall have power generally to administer oaths and affidavits, take recognizance or bail, swear witnesses and jurors, and do all acts usual and proper to do by the clerk within the jurisdiction of said police court.

Recorder may be suspended.

SEC. 15. Said recorder may be suspended from his office and removed therefrom in the same manner and form as provided by law for the suspension and removal of justices of the peace.

SEC. 16. In case of examination of offenders by said recorder acting as police judge, for offenses committed against the criminal laws of this State, when said recorder, acting as police judge has jurisdiction to examine and hold to bail only, it shall be lawful for said recorder, acting as police judge, to cause an order to be entered in the record of such examination, appointing, if in his judgment it is for the best interests of the public so to do, some suitable stenographer to take down in shorthand the testimony of any such examination and to write the same out in long hand; and any stenographer so employed in any such examination, shall receive such per diem compensation for the time by him expended in so taking down such testimony, and such price per folio for writing out in long hand such testimony so taken as aforesaid, as shall be fixed by the board of auditors of Saginaw county, the same to be allowed and paid out of the treasury of said county.

May employ
stenographer.

Compensation
of stenogra-
pher.

SEC. 17. Prosecutions for violations of any of the ordinances of the common council, or the charter of said city, shall be commenced before the police court of said city by complaint and warrant, and upon complaint in writing, and on oath, being made before said recorder, acting as police judge, setting forth briefly what ordinance or provision of the charter of said city has been violated, and in what manner and by whom, and warrants shall issue directed to the chief of police or any policeman or constable of said city, reciting the substance of such complaint, and commanding such officer in the name of the people of the State of Michigan to arrest the person named in said complaint and bring him forthwith before said court to be dealt with according to law; and upon such person so brought before such court, such proceedings shall be had as are provided for the trial of criminal cases before said court in this act.

Prosecutions,
where com-
menced.

SEC. 18. Any policeman, constable or other officer of said city may arrest any person, without warrant, while in the act of violating the charter or any ordinance of said city; and the person so arrested shall be forthwith taken before the recorder, acting as police judge, as aforesaid, and complaint then made against the person so arrested, and such proceedings shall thereupon be had as provided in section eight of this title, except that no warrant need be issued for the arrest of the person so brought before said judge: Provided, That any person so arrested in the night time may be detained in custody until such time as he can be taken before such court.

May arrest
without
warrant.

Proviso,
arrest in
night time.

SEC. 19. Upon conviction of any person in prosecutions commenced by complaint, it shall be the duty of the judge before whom such conviction is had, to sentence the offender to pay such fine or penalty as said judge may determine, not exceeding the amount specified in the ordinance or provisions of the charter violated, together with the costs for prosecu-

Fines and
penalties.

tion, within such time as said judge shall order, and in default of such payment, said judge shall order the offender to be imprisoned in the city jail of said city, or in the county jail of Saginaw county, for such time as such judge may determine, not exceeding the time fixed in and by the provisions of the charter or the ordinance, for the violation of which said offender was convicted, and said judge shall issue a commitment to the officer who arrested such offender, or policeman of said city, and to the keeper of the jail in which said offender is ordered to be imprisoned, commanding that said offender be taken to said jail, and there confined for the time ordered by said judge, and it is hereby made the duty of the officer to whom such commitment is directed to obey the same. Any person so imprisoned shall be entitled to his discharge upon payment to said court of the amount of such fine or penalty and costs, except as otherwise provided herein. The judge, in imposing any fine or penalty, may add thereto as a part thereof and to be paid therewith the cost of prosecution, whether the ordinance under which the prosecution is being had provides for the adding of such costs as a part of such sentence or judgment.

Trial by jury.

SEC. 20. Any person arrested for violating any ordinance of said city may demand a trial by jury, which shall be summoned in the same manner as is provided by the laws of the State of Michigan for trial of criminal cases before justices of the peace, but no jury shall be demanded in any prosecution for acts committed which are not criminal by the general laws of this State, except upon payment, by the defendant, of the fees provided by law for payment of the jury fees, and for the summoning of the jury. In civil cases in justice court, and in case of a demand for a trial by jury, some member of the police force of said city shall prepare the list, receive the venire and summon said jury.

May provide penitentiary, jail or police station.

SEC. 21. The common council of said city shall have power and authority, whenever they shall deem it expedient, to provide a city penitentiary, jail or police station where all persons charged with or convicted of offenses or misdemeanors against the charter, by-laws or ordinances of said city, may be confined and imprisoned until discharged by authority of law; and the common council may regulate the time and manner such prisoners shall be kept at labor, and make all by-laws, ordinances or orders concerning the good government and regulations of said penitentiary and jail, and for the punishment of such prisoners as may refuse to work therein, as they may deem necessary and proper.

What prisoners may be confined in.

SEC. 22. Any person arrested by virtue of any process issued from any court in said city, or by authority of any officer of said city, may be confined in said penitentiary, jail or police station in the same manner as prisoners are, or may be detained in the jail of Saginaw county. And any law of this State prohibiting escapes, aiding prisoners to escape

Law prohibiting escapes to apply.

or any act detrimental to the safety of prisoners in a county jail, shall apply to said police station, jail or penitentiary.

SEC. 23. All persons charged with, or convicted of offenses against the general laws of the State, or for violation of this act, or the ordinances passed in pursuance thereof, may, by the direction or sentence of the court having jurisdiction of the offense, be confined either in the city jail or station house, or in the county jail of Saginaw county. And when, in the first instance, taken to or confined in said city jail or station, may be removed to the said county jail by direction of said court. City jail and station house.
Removal.

SEC. 24. It shall be the duty of the prosecuting attorney of the county of Saginaw, or his authorized deputy or assistant, to attend all sessions of said police court, when requested by the judge so to do, and prosecute all State criminal cases therein, except when actually engaged, as such officer, in the trial of a case in the circuit court; and it shall be the duty of the city attorney, or an assistant authorized by the common council, to attend all sessions of said court, and to prosecute all violations of the charter, by-laws or ordinances therein. When prosecuting attorney to attend police court.

TITLE XIII.

JUSTICE COURT.

SECTION 1. There shall be but one justice of the peace in and for the city of Saginaw. The said justice shall have and exercise the same jurisdiction and powers in civil and criminal cases and proceedings, and shall perform the same duties as may be conferred upon or required of justices of the peace by the laws of this State, except as otherwise provided in this act. He shall have such further jurisdiction or powers as are conferred by this act, and in the absence or inability of the recorder acting as police judge, said justice of the peace shall hear and determine all cases pending before said recorder acting as police judge, and shall have the same power to issue process and hear and determine cases as said recorder acting as police judge. If, for any cause, a vacancy shall occur in the office of said justice, the common council of said city may order a special election to be held for the election of a justice of said court for the remainder of the term of said justice, which said election, if ordered, shall be conducted in the same manner as the biennial city elections, and the same notice thereof shall be given as for the biennial city elections. To be but one justice.
When vacancy occurs.

SEC. 2. Said justice of the peace and recorder acting as police judge shall each have jurisdiction in all civil cases cognizable by a justice of the peace where the plaintiffs, or any of them, or the defendants, or any of them, reside in the county of Saginaw, and in such cases shall have exclusive Jurisdiction.

jurisdiction over any cause or proceedings where both parties to the same reside in the city of Saginaw at the time of the commencement of the proceedings or cause. No justice of the peace of any township in the county of Saginaw shall have jurisdiction over any civil cause or proceedings where both parties to the proceedings reside in the city of Saginaw at the time of the commencement of said proceedings or cause.

When plaintiff
is non-resi-
dent.

SEC. 3. A plaintiff or plaintiffs, non-residents of the county of Saginaw, shall bring action before the justice of the peace or recorder acting as police judge of the city of Saginaw, when the defendant or defendants, or either of them, reside in the city of Saginaw. The files, records and dockets of the justice shall be filed with and kept by the clerk of the police court, and all dockets now in possession of the clerk of the justice court, and all executions to be issued, shall be issued by the justice or recorder acting as police judge whose term of office first expires and who shall be and remain in office, and such justice or police judge shall have power and authority to issue executions upon judgments rendered by the recorder acting as police judge of said city.

Files, records,
etc., where
kept.

When testi-
mony may be
taken in
shorthand.

SEC. 4. In cases of examination of offenders by the justice, for offenses committed against the criminal laws of this State, which are not triable before said justice, but before the circuit court, it shall be lawful for such justice to cause an order to be entered in the record of such examination appointing, at the request of the prosecuting attorney or his assistant, if in the judgment of said justice it is for the best interest of the public so to do, some competent stenographer to take in shorthand the testimony given upon such examinations, which shall be written out in long hand upon the written request of the prosecuting attorney, filed in the cause, and the stenographer so employed shall receive such per diem compensation for the time expended by him in taking such testimony, and such price per folio for writing it out in long hand, when requested by the prosecuting attorney as aforesaid, as shall be fixed by the board of auditors of Saginaw county, the same to be allowed and paid out of the treasury of said county.

Where justice
to have office.

SEC. 5. Said justice of the peace shall have his office in the city hall, and the common council of the city of Saginaw shall provide the necessary dockets, books, blanks, stationery, furniture, fuel and lighting for the use of said justice. And the Michigan reports now in the police judge's office shall be used in common by the recorder acting as police judge and the justice of the peace.

Michigan
reports.

Salary of
justice of the
peace.

SEC. 6. Said justice of the peace shall be entitled to receive from the treasurer of the city of Saginaw an annual salary of twelve hundred dollars, payable at same time and in same manner as other city officers, on the certificate of the controller. The recorder, acting as police judge, and the justice, shall each have his court room open, and he shall be

Business
hours of
court.

in attendance to the duties of his office therein from nine o'clock in the morning until twelve o'clock noon, and from half past one o'clock until five o'clock in the afternoon, except on Sundays and legal holidays.

SEC. 7. It shall be the duty of the clerk of police court to keep a true record of said justice court and police court, with the assistance of the justice of the peace and recorder acting as police judge, and enter all judgments on the dockets under the direction of the justice and recorder acting as police judge rendering the same, in the time and manner provided by law, but after such entry, each judgment shall be signed by the justice or recorder acting as police judge by whom it was rendered. The said clerk shall also file and safely keep all books and papers belonging or appertaining to said court, and enter in a book provided for that purpose a list of names of all jurors that sat on the trial of cases before the said justice or recorder acting as police judge, with names arranged in alphabetical order, together with the date or dates that each juror so sat, with a reference to the page of the docket where the proceedings of the trial are entered. He shall have power generally to administer oaths and take affidavits; he shall also fill up processes and blank forms on request and make all writs returnable to the said justice or recorder acting as police judge in regular rotation; and if upon the adjourned or return day of any cause the justice or recorder acting as police judge issuing the process therein should be absent at the time to which the same was adjourned or made returnable, the justice and recorder acting as police judge, shall have the same jurisdiction to proceed therein as though it had been originally commenced before him, but the record thereof shall be entered in the docket of the justice or recorder acting as police judge issuing the original process. The said clerk shall also receive all costs, fines and dues of every description which are provided by law, in all proceedings in said justice court and police court and shall pay the said county treasurer of Saginaw county weekly, all such fines collected in the State criminal cases, and shall pay to the treasurer of the city of Saginaw weekly all such fines, costs and dues by him so received, except fines in State criminal cases, and shall take receipts of the said treasurer therefor. He shall file said receipts with the city controller of said city, and shall render to said controller weekly, a report of all business transacted by the justice of the peace, including a statement of the receipts and disbursements of his office.

Duty of clerk of police court.

List of jurors.

Oaths, affidavits, etc.

To receive costs, fines, etc.

To file receipts.

SEC. 8. Before any action or proceeding, except proceedings in garnishment, replevin, attachment or by civil warrant, shall be commenced in any of said courts, there shall be paid to said clerk by the said party bringing the same, the sum of fifty cents as entry fee, and in actions of replevin, attachment, or those begun by civil warrant, there shall be paid as aforesaid, the sum of one dollar as entry fee, and at

Entry fees.

or before the trial of any such action or proceeding shall be commenced, the further sum of one and one-half dollars, but in case of non-suit or discontinuance before the commencement of the trial, only the entry fee shall be payable: **Proviso.** Provided, That if there be more than two adjournments after the return day of the principal suits or after joining issue in a garnishee case, there shall be an adjournment fee paid by the party procuring said adjournment, of twenty-five cents for each adjournment, before he shall be entitled to such adjournment. **Garnishment.** Proceedings in garnishment shall be treated as a part of the principal cause, and no additional fee shall be required therein, except when an issue of fact shall be joined in respect to the liability of a garnishee or garnishees; in such cases a judgment fee of one dollar and one-half shall be paid before such trial shall commence. **When jury demanded.** If any party demand a jury in any civil action in said court, he shall advance the same fees therefor that are or may be provided by the general statutes of the State governing justice courts. The money so paid to said clerk, as herein provided, shall be for the use of said city, and shall be held to be in full of all fees in civil actions, including the issuing of executions and satisfaction of judgment; the sum or sums so paid, including the jury fee, shall be taxed as costs of suit in favor of the party, paying the same, if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing of the execution, or for the purpose of staying proceedings, or removing causes to the appellate court, there shall be paid to the said clerk the fees now or hereafter provided by the general statutes of the State governing the justice courts and returns in appeal cases, and to writs of certiorari shall be made in the manner therein provided. In criminal cases the same costs shall be paid, and in the same manner as in proceedings before justices of the peace in townships, except that the same shall be paid to the said clerk.

Fees to belong to city. SEC. 9. The fees of the said justice of the peace for services hereafter performed in State criminal cases shall belong to said city of Saginaw, and after being audited by the board of supervisors of Saginaw county, shall be paid to the controller and by him to the treasurer of said city of Saginaw.

When clerk to report. SEC. 10. Said clerk shall on the first Monday of each and every month report in writing to the common council of said city the amount of all costs collected in civil cases and State criminal cases during the preceding month in said courts, and shall at the same time report in writing to the board of auditors of Saginaw county the amount of fines collected by him in State criminal cases during the preceding month in said courts.

Not to affect certain fees. SEC. 11. This act shall in no way affect the fees to which justice of the peace or recorder acting as police judge may be entitled, on the performance of marriage ceremonies, tak-

ing acknowledgments and administering oaths in matters not connected with any litigation in said courts, nor shall it affect the fees to which sheriffs or constables are entitled, or the present method of paying them.

SEC. 12. The service of all writs under this act shall be made in the manner prescribed by the general laws of this State: ^{Service of writs.} Provided, That for the service of original writs ^{Provido.} within said city, no constable or deputy sheriff shall be allowed to charge or demand more than fifty cents as fees for such service.

SEC. 13. The circuit court for the county of Saginaw may ^{Circuit court to prescribe rule governing justice courts.} prescribe the rule to govern the practice in the said justice courts, not inconsistent with the laws of this State. Any justice of the peace of said city may be removed from his said office by the circuit court for the county of Saginaw for the refusal or neglect to pay over, as required by law, any moneys by him collected for or on account of any fine, penalty, forfeiture or costs; for the unfaithful or inefficient performance of his duties, or for any official misconduct, upon charges specifically preferred against him by the mayor or common council, or by any three electors of said city. Said charges upon being duly verified by oath, shall be filed in said circuit court, and a copy thereof served personally upon said justice of the peace against whom the same are preferred, at least ten days before he is required to be tried thereon and opportunity shall be given him to be heard in his defense; and said court shall have power to make all necessary orders to issue a fair but summary trial thereof, and upon conviction, to enter the proper judgment for suspension or removal from his said office of the said justice so convicted.

SEC. 14. The defendant in any cause begun before either ^{How cause transferred.} of said justice or recorder acting as police judge may have the trial of the case, whether the same be civil or criminal, transferred from the justice, or recorder acting as police judge who issued the process by which said suit was begun to the other justice or recorder acting as police judge by filing with the clerk of said court an affidavit that the defendant has good cause to believe and does believe that the said justice or recorder acting as police judge, who issued such process, entertains such a prejudice against said defendant that defendant verily believes that he cannot obtain a fair and impartial trial before the justice or police judge that issued such process, at any time before the trial of the case has actually begun; and upon the filing of such affidavit, the justice or recorder acting as police judge who issued such process shall have no further jurisdiction in said cause, but all further proceedings in said cause shall be conducted by such other justice or recorder acting as police judge, in the same form and manner as if such other justice or recorder acting as police judge had issued the original process in said cause.

TITLE XIV.

RECORDER'S COURT.

Judge of. SECTION 1. There shall be a court in and for the city of Saginaw, to be known as the recorder's court, which shall be a court of record. The recorder of said city shall be the judge of said court. No person shall be elected recorder unless he is a resident and citizen of the city of Saginaw, and at the time of his election an attorney and counselor at law of the supreme court of this State, and in good standing as an attorney and counselor at law in the Saginaw county bar.

Clerk of. SEC. 2. The city clerk shall be ex officio clerk of the recorder's court.

Jurisdiction. SEC. 3. Said recorder shall have original and exclusive jurisdiction in all actions and proceedings to open, widen or extend any public street or alley, and of all other proceedings where it shall be necessary to appropriate private property for any public use within said city.

Term of court. SEC. 4. The recorder's court shall be held on the second Monday of each month, and the terms of said court may be continued until the business is disposed of; and special sessions may be held as often as may be deemed necessary; and if for any cause the judge of said court shall be unable to hold the same on the first day of a term, or on any other day to which said court is adjourned, the clerk thereof shall have the power, and it shall be his duty, to open said court and adjourn it from time to time until the judge shall be able to attend; and in such case all proceedings and matters pending in said court shall stand continued until said judge can hold said court; and it shall be lawful for said judge or clerk to administer oaths to witnesses on the trial of the cause, to take affidavits or depositions to be read in said court under the rules and practice thereof.

Journal of proceedings. SEC. 5. The clerk of said court shall keep a journal of the proceedings of the court, under the direction of the judge, and all entries therein shall be read in open court by the clerk from day to day, and shall be corrected when necessary, and signed by the judge thereof.

To be public record. SEC. 6. The said journal shall be and remain a public record in the office of the clerk of said court, and shall be by him delivered over to his successor in office, together with the books and papers belonging to said office; and the recorder's successor in office shall be authorized to continue and complete all proceedings begun by his predecessor. Any record or entry made in said journal, as aforesaid, may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it may be necessary to refer thereto, either from the journal itself, or from a copy thereof, certified by the clerk, with the seal of the court affixed.

May be read in evidence.

SEC. 7. The said recorder's court shall have full power to punish for contempt of court, by fine or imprisonment, or both, but such fine shall not exceed twenty-five dollars, nor such imprisonment sixty days. The marshal, and so many policemen or constables as may be required, shall attend the recorder's court, obey its orders and execute and return all processes issuing out of said court to them directed, in the same manner as sheriffs or other officers of courts of record in this State. Contempt of court.
Marshal, policemen to attend court.

SEC. 8. All writs and processes from the recorder's court shall run in the name of the people of the State of Michigan, be directed to the marshal or any policeman or constable of said city, shall bear teste in the name of the recorder, shall be sealed with the seal of said court, signed by the clerk, and dated on the day on which the same shall be issued. Writs and processes.

SEC. 9. The practice of said court shall, so far as the same may be applicable, conform to the rules and practice prevailing in the circuit courts of the State, but the court may make special rules, not inconsistent therewith, as may be required for the dispatch of business in said court. Practice, what to conform to.

SEC. 10. The recorder shall be entitled to no fees or salary excepting those provided for in this act as recorder acting as police judge of the city of Saginaw. Fees of recorder.

TITLE XV.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. The common council of the city of Saginaw is hereby authorized to open, extend, widen or straighten streets and alleys in said city for the public use and benefit, and to take private property therefor, or for any other public purpose, within the limitation of the State constitution: Provided, It is for the use and benefit of the public, and institute and prosecute proceedings for the purpose, in accordance with the provisions of this act. For public use.
Proviso.

SEC. 2. Whenever the common council of the city of Saginaw shall deem it necessary, for the use and benefit of the public, to make any such improvement, and to take private property thereof, the common council shall, by resolution, so declare and also describe such property, and designate the purpose for which it is to be taken, and fix and describe a special taxing district, embracing only the taxable real estate, which in the opinion of said common council, will be benefited by such improvement. And private property may be taken for such purposes in the manner provided in this charter or by the general laws of this State. Said resolution shall direct the city attorney to institute proceedings in the recorder's court in said city to carry out the objects Resolution of council.
City attorney to institute proceedings.

Assessment
and levy,
how made.

Duty of city
attorney.

Expenses,
how paid.

Duty of clerk,
upon filing of
petition.

Notice of
pendency

of such resolution, but the common council may negotiate with the owner or owners thereof, or any interest therein, for the purchase or conveyance of the same to the city of Saginaw for the public uses prescribed in said resolution; and in case such negotiations shall result in the purchase of such private property by the city, for the public uses described in said resolution, it shall be lawful for the common council to determine by any entry in their proceedings that the whole or a just proportion of such purchase price shall be assessed upon the owners or occupants of real estate situated in the assessing district fixed by said resolution, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings as is provided by title eight of this charter, for assessing, levying and collecting the expenses of other public improvements by special assessment.

SEC. 3. Upon the passage by the common council, of such resolution, it shall be the duty of the city attorney to prepare and file in the name of the city, in the recorder's court of said city, a petition signed in the name of the city by the city attorney in his official capacity, which shall allege the passage of, and have annexed thereto, a certified copy of said resolution; shall describe all the lots, tracts and parcels of private property proposed to be taken, and set forth the names of the owners of such lots, tracts and parcels respectively as far as the same can be ascertained from the records in the office of the register of deeds of Saginaw county, and shall allege that it is necessary to take such property for the public use and benefit, and pray that a jury may be empaneled to determine whether it is necessary to make such an improvement, and to take such property for the public purpose therein stated, and to ascertain and fix the just compensation to be paid therefor. The petition may pray for any other or further relief deemed necessary within the objects of this act.

SEC. 4. All expenses of the proceedings in opening, extending, widening or straightening streets and alleys, shall be paid by the city and raised by a general tax, to be levied and collected according to the provisions of the charter of the city.

SEC. 5. Upon filing said petition, it shall be the duty of the clerk of said court, upon request in writing, of the city attorney, to issue a summons against the respondents named in the petition, commanding them, in the name of the people of the State of Michigan, to appear before said court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted. Notice of the pendency of said proceedings shall be filed in the office of the register

of deeds for Saginaw county, which shall be entered by said register in the same manner as other lis pendens are required to be entered, and thereafter no change of ownership of the real estate sought to be taken under the said proceedings, shall in any manner affect the same, but they may be carried on and perfected as though no such conveyance or transfer had been made.

SEC. 6. Said summons shall be served by the marshal, captain of police or sergeant of the city, at least five days before the return day thereof, upon all the respondents found within the county of Saginaw, by exhibiting the original and delivering a copy to each of them. If it shall appear on the return day of the summons that any respondent cannot be found in the county, and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served upon such respondents wherever found, if practicable, at least six days before the time named in the order for appearance; or the court may make such order for appearance, and require as to any or all such respondents who have not been served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in the official newspaper of said city. Alias and pluries summons may be issued, and the court may adjourn the proceedings from time to time as there shall be occasion, and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them.

Summons,
when and by
whom served

When re-
spondent can-
not be found.

Alias and
pluries
summons.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of resident freeholders of the municipality, and shall be selected and empaneled as hereinafter provided.

Jury, resident
freeholders of
municipality.

SEC. 8. On the first Tuesday in June in each year, between the hours of nine and twelve o'clock in the forenoon, the assessor of the city of Saginaw, the clerk of said court and the marshal of said city shall meet together in the office of said city assessor, and shall then proceed in public, to select from the last annual assessment roll of said city (which roll the custodian shall produce before them) a list of one hundred persons to serve as jurors in said court, the persons so selected to be qualified electors, of

Jurors, by
whom and
when selected.

List to be signed.

Proviso.

Further proviso.

List and affidavit when and where filed.

Drawing, summoning, etc., same as in circuit courts.

Further proviso, power of judge.

Duty of clerk upon receiving list.

Jury not to be drawn without order.

Who to attend as witness.

fair character, of sound mind, freeholders in said city of Saginaw, and capable of understanding and speaking intelligibly the English language. Said list shall be signed by the said assessor, clerk and marshal, if they all be present, and assist in the making thereof: Provided, That any two of them shall be authorized to select such list and sign the same in the absence of the third: And provided further, That if said list is not selected within the time above limited, or if, for any reason, a legal list shall not have been made, the judge of said court may, by his order, entered of record in said court, command the said assessor, clerk and marshal, to proceed forthwith to select said list and sign and file the same. When the list is signed as aforesaid it shall be filed by the officers signing the same in the office of the clerk of said court, and the said assessor or the said clerk shall file with said list an affidavit that it has been drawn in accordance with the foregoing provisions. The persons whose names are set forth in said list, shall be jurors in said court for one year, or until a new list is selected. The practice and proceedings, except as provided in this section, relating to drawing, summoning, exempting and excusing jurors and talesmen, and imposing penalties on them for non-attendance, shall be the same as in the circuit courts of this State relative to petit jurors: Provided further, That the judge of said court shall have power to order the drawing of more than twenty-four jurors at any term. All talesmen who may be directed by the said judge to be summoned for the term, shall be drawn from the jury box in the same manner as the original panel. Every person who shall, directly or indirectly, ask to be placed upon said list, shall thereby render himself ineligible to serve as a juror in said court for one year thereafter, and his name shall in no case be placed upon such list during that period.

SEC. 9. Upon receiving such list, prepared and filed as aforesaid, the clerk of said court shall write the names of the persons thus selected on separate strips of paper, of the same size and appearance, as near as may be; shall hold up each of said strips of paper in the same manner so as to conceal the name thereon, and deposit the same in a box to be called and labeled "Street Opening Jury Box."

SEC. 10. No jury shall be drawn for any term without an order previously made by the court, and such order shall specify the number of jurors, not less than twenty-four nor more than fifty, to be drawn, and the time they shall be summoned to attend. It shall thereupon be the duty of the clerk to draw the number of names ordered by the court from the street opening jury box, and at least two days before such drawing the said clerk shall give notice to the judge of said court and to the marshal, of the day and hour when such drawing shall take place. At the time so appointed, it shall be the duty of said judge, and of the

marshal, or some policeman of said city, to attend at the clerk's office and witness said drawing of jurors, and if neither said judge, marshal nor policeman be present at the appointed time, the clerk may adjourn such drawing to some certain hour the next day, of which adjournment he shall forthwith give notice to said judge and marshal. If at the time first appointed for such drawing, or at the adjourned time thereof, either said judge, marshal or policeman shall be present, the clerk shall proceed to draw from said box, publicly and in the presence of the officer or officers attending, as many strips of paper containing the names of jurors written thereon as may have been ordered by the court, and one of the attending officers shall keep a minute of such drawing in which he shall enter the name of every strip of paper drawn, before any other such strip be drawn. The said minute of the drawing shall then be signed by the clerk of said court and the attending officers, and filed by the clerk in his office, and he shall immediately make out a venire facias and deliver the same to the marshal of said city, which shall command him or any policeman of said city to summon the persons named therein to be and appear in said court at the terms thereof for which they were drawn to serve as street opening jurors, and not depart the same until discharged, under such penalty as the court may impose. Said venire facias shall be served at least three days before the term of the court therein specified, by giving personal notice to each person therein named, or by leaving a written notice at his place of residence with some person of proper age, and return thereof shall be made to said court at its opening, specifying those who were summoned and the manner in which each person was notified. All talesmen who may be directed by the said judge to be summoned for the term, shall be drawn from the jury box in the same manner as the original panel. In empaneling a jury, the practice and proceedings relative to empaneling, exempting and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as in the circuit courts of this State relative to petit jurors. Whenever there shall not be qualified jurors enough present to form a panel in any case, the panel may be filled up in the same manner as a panel of petit jurors is filled up in a like case in said circuit courts. If any juror, after being sworn, shall die, or for any other cause become unable to discharge his duties, the court may appoint another qualified person to serve in his place, who shall be sworn and taken in place upon the jury.

Minute of
drawing.

Venire facias,
when and
how served.

When court
may appoint
juror.

SEC. 11. Every juror empaneled in any cause shall be sworn as follows: Form of oath.

"You do solemnly swear (or affirm) that in the matter of that you will well and truly ascertain and determine whether there is a public necessity for mak-

ing the proposed improvement, and for taking for the use and benefit of the public the private property which the petition describes and prays may be taken, and if you determine that it is necessary, then that you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolved upon you in this case, and unless discharged by the court, a true verdict give, according to law and the evidence, so help you God."

They shall hear the proof and allegations of the parties and the arguments of counsel, and if so ordered by the court shall go to the place of the intended improvement in charge of an officer, and upon, or as near as practicable, to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties, and the law of the case by the court, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of any ordinary civil case: Provided, That the court in its discretion may permit the jury to leave the jury room a sufficient length of time to obtain their meals and sleep at their respective homes.

Proviso.

If property taken be subject to mortgage.

Land belonging to estate of deceased person.

To assist jury.

SEC. 12. The jury shall determine in their verdict the public necessity for the proposed improvement, and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists, they shall award to the owners of said property such compensation therefor as they shall deem just. If any such private property taken shall be subject to a valid mortgage, lease or agreement, and the taking thereof for such purpose will impair such security, lease or agreement, the jury shall apportion and award to the owner of said mortgage, lessee or person interested in said agreement, such portion of the compensation as they shall deem just, and if there are any buildings or other personal property situated on the land taken, the jury may, at the request of the owner allow, instead of damages for the value, damages and expenses for the removal thereof. The damages for taking any land belonging to the estate of any deceased person shall be awarded to said estate, and shall be paid to the executor or administrator of said estate, or if there is no such executor or administrator, or if he cannot be found, it shall be deposited in the city treasury to the credit of said estate, and be paid to the person entitled to receive the same.

SEC. 13. To assist the jury in arriving at a verdict, the court may allow the jury, when they retire, to take with them the petition filed in the case and maps showing the proposed improvement, and the location of each and all the parcels interested in such property, and may also submit to them a blank verdict, which may be as follows:

PART I.

We, the undersigned jury, empaneled in the above matter, and having given the same due consideration, do hereby find and determine that it is necessary to said as proposed, for the public use and benefit as a public..... and that for said use and benefit and purpose, it is necessary to take the private property described in the petition in this cause, which said property is hereinafter also described.

PART II.

And the damages sustained, and the just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners and others interested in each parcel.	Compensation and damages.
.....
.....
.....

The different descriptions of property and the names of the owners and others interested therein, may be inserted in said blank verdict under the direction of the court before it is submitted to the jury.

SEC. 14. The verdict of the jury may be set aside by the court and a new trial ordered for objections of law and to matters of substance, but not for objections as to matters of form, in the same manner and on the same grounds as in ordinary civil actions in the circuit courts of this State, and amendments, either in form or in substance, of the petition, process and proceedings, may be allowed, when they will not interfere with the substantial rights of the parties. And if, by such amendment, new parties to the proceedings are added, a new summons may be issued to bring in such additional parties, and when any such summons is issued, the proceedings shall be adjourned by the court a sufficient length of time, not less than six days, to enable such summons to be served, which summons shall be made returnable on the day to which the case is adjourned, but shall be served at least three days previous thereto. The court may refer back to the same jury the verdict, for the purpose of correcting all errors therein contained. Rules of practice of the recorder's court shall be followed, as near as may be, in all proceedings under this act.

SEC. 15. Motions for a new trial, or to arrest proceedings, shall be made within two days after the rendition of

When city
may cause
proceedings
discontinued.

verdict, unless further time is allowed by the court, and if no such motion is made, or being made is overruled, the court shall enter an order confirming the verdict of the jury, and such judgment or confirmation, unless reversed by the supreme court, shall be final and conclusive as to persons interested therein. But the city may, within three months thereafter cause said proceedings to be discontinued and abandoned, as hereinafter provided.

Appeals.

SEC. 16. Any person whose property may be taken under the provisions of this act, considering himself aggrieved, may appeal from the judgment of the court, confirming the verdict of the jury, by filing in writing with the clerk of said court, a notice of such appeal, within five days after the confirmation, and serving within the same time, a copy thereof on the city attorney, and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal and the payment of all costs, damages and expenses that may be awarded against him in case the judgment and confirmation of the court shall be affirmed.

Duty of clerk
in case of
appeal.

SEC. 17. In case of appeals, as above, it shall be the duty of the clerk of the court, without delay, to transmit to the supreme court a certified copy of all the files, records and proceedings in the case. And it shall be the duty of the judge of the court, at the request of the appellant, to settle and sign a case showing the testimony taken on the trial, the objections, rulings and exceptions concerning the same, and the instructions of the court to the jury, with the exceptions thereto, and the same shall be returned to the clerk as part of the record in the case.

Duty of the
judge.

When appeal
may be
brought on
for hearing
in supreme
court.

SEC. 18. The said appeal may be brought on for hearing at any term of the supreme court, and said court may affirm or reverse the proceedings and may grant a new trial. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and all costs and expenses awarded to the city, may be applied on or deducted from the compensation, if any, to be paid to the appellant.

When verdict
finally con-
firmed.

SEC. 19. Whenever the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court, affirming the judgment and confirmation, it shall be the duty of the clerk of the court below to transmit to the common council a certified copy of the verdict of the jury, and of the judgment of confirmation, and of the order, if any, allowing and taxing the costs and expenses. The common council may, upon the receipt of said report from the clerk, and at any time within three months thereafter, direct the city attorney to abandon and discontinue said proceedings. In case the city attorney shall apply for the discontinuance or abandonment of the said proceedings, the court shall ascertain and determine the reasonable and

When city
attorney may
abandon
proceedings.

necessary expenses incurred by each person who has appeared in said proceedings, not exceeding the taxable costs allowed in cases at law in the circuit court of the county, and the same shall be paid to such persons by the city. If the proceedings in such cause shall be discontinued and abandoned by the city, no new proceedings shall be begun or had for opening, extending, widening or straightening such street, or alley, or for taking private property for any other purpose authorized under this act, and which proceedings shall be practically the same as those so abandoned within one year after the same shall be so abandoned and discontinued. If said proceedings shall not be so abandoned and discontinued by the city within the time above limited, proceedings shall thereupon be taken for the collection of the sum or sums awarded by the jury. And thereupon the common council may, by an entry in its minutes, determine that the whole or any just proportion of the compensation awarded to owners of real estate by the jury, specifying the amount thereof, shall be assessed upon the owners or occupants of the real estate included within the assessment district, theretofore fixed and designated by the common council, as provided in section two of this title. Such assessment is to be made upon the said owners or occupants of said real estate in proportion, as near as may be, to the advantage which each lot, parcel or subdivision is deemed to acquire by the improvement. The assessment roll containing said assessment, when ratified by the common council, shall be final and conclusive, and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same are made, until payment thereof. Whatever amount or portion of such award, or of the compensation paid for such real estate purchased, shall not be raised in the manner herein provided, shall be assessed, levied and collected upon the taxable property of the taxing district in which the street or alley is situated, the same as other general taxes are assessed and collected in said city.

Who to determine proportion of compensation.

When assessment roll final.

SEC. 20. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation, shall, on appeal, be affirmed, the common council shall, unless said proceedings have been abandoned and discontinued as herein provided, cause the city treasurer to pay or tender to the respective persons entitled to receive the same, the damages and compensation awarded for taking such private property, according to the verdict of the jury as finally confirmed: Provided, That no such claim shall be assignable to any person, and where any lands of any person to whom damages and compensation has been awarded for an interest in lands taken by the city under such proceedings, or of any person acquiring title under such person subsequent to the

When city treasurer to pay damages, etc.

Provido, claim non-assignable.

In case of
refusal, etc.

Treasurer to
make
certificate.

Treasurer to
sell at
auction.

Fees, jurors
and witnesses.

Property to
be taken,
surveyed, etc.

filing of the notice of pendency of said proceedings, as herein provided for, shall be assessed to pay any portion of such compensation, the city treasurer shall in all cases deduct from the sums awarded to any such person the sums so assessed against the property of said owner or other person interested respectively, notwithstanding any attempted transfer of such claim or of the property sought to be taken, or of the property so assessed for benefits; and in case any person shall refuse the same, be unknown, or a non-resident of said city, or cannot, with reasonable diligence be found in said city, or for any reason be incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case in the city treasury, and shall on demand pay the same over to any person entitled and competent to receive it, taking receipt therefor; upon such tender, payment or deposit, the common council may enter upon, take possession of and convert such private property to the uses and purposes for which it was taken, and may remove all buildings, fences and other obstructions therefrom. The treasurer shall make a certificate, verified by his oath, showing his action in making such payment, tender or deposit, and shall file the same with the clerk of the recorder's court, and it shall be prima facie evidence of the facts therein stated.

SEC. 21. All buildings, fences and other personal property taken by such proceedings in street opening cases, except that removed by the owner, as otherwise provided, shall be sold at auction by the city treasurer. Due publication of such sales shall be made in at least two daily newspapers of said city for at least five days, and printed notices posted on or near such property at least ten days prior to the day of sale. The amount produced by the sale shall belong to the fund for paying the compensation for property taken, and the common council shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment made to pay for the property taken.

SEC. 22. Jurors and witnesses in any proceedings under this act, shall be entitled to receive from the city the same fees and compensation as are provided by law for similar service in an ordinary action at law in the circuit court of the State.

SEC. 23. The common council may direct the city attorney to move for a new trial or to arrest, vacate or discontinue the proceedings, or take an appeal to the supreme court, and in any such case the same proceedings shall be had as are hereinbefore prescribed in the case of like proceedings on the part of any respondent.

SEC. 24. Before the trial in any proceedings under this act, the common council shall cause the property to be taken, to be surveyed and staked out, or otherwise marked upon the premises, and shall cause a map or plan thereof,

certified to be correct by the city surveyor or person making the same, to be prepared, to be attached to and made a part of the petition herein provided for, the same to be subject to alteration and correction under the direction of the court. The common council in all cases where there shall be a special assessment, shall have authority to advance the sums awarded to the owners or occupants of, or others interested in the property to be taken, and there shall in all cases be deducted from such sums any assessment for benefits made against the property of said owners and others interested respectively. At any sale under this act of the property assessed, the city attorney, or in his absence, the city treasurer shall have authority to bid in for the corporation any parcel of land for which there shall be no bid from other parties sufficient to cover the amount due from such parcel, including its ratable proportion of the costs and expenses of making such sale, and on any such bid the corporation shall be entitled to all the rights of any other purchaser.

Authority to
bid in for
corporations.

SEC. 25. It shall be prima facie evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest, and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be prima facie evidence as to ownership and persons having an interest in any such property, and the extent and nature of such interest.

Prima facie
evidence of
ownership.

TITLE XVI.

PUBLIC HEALTH.

SECTION 1. The common council shall have power, and it shall be their duty to adopt measures for the preservation of the public health of the city, to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits thereof; to regulate and prescribe, by ordinance, the location of all barns, stables and privies within the city; to invest the board of health with all such powers, and to impose upon it such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases, and to provide for it proper organization, and for the appointment of proper officers; to make all such by-laws, ordinances and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of the city, as shall secure a

Powers and
duties.

prompt and efficient discharge of the duties imposed upon the common council by this act.

By-laws and ordinances.

SEC. 2. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper for the filling up, draining, cleansing, cleaning, regulating any grounds, yards, basins, slips or cellars within the said city that shall be sunken, damp, foul, encumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the said city and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the city, to be done and executed at the expense of the city corporation, on account of the persons, respectively, upon whom the same may be assessed, for that purpose by proper ordinance, to cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith to be sold in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots, in respect to which such expense shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

May assign certain places for offensive trades, etc.

SEC. 3. The common council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned and may change or revoke such assignments at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the common council may prohibit the further exercise of such business or employment at such place.

Hospitals, pest houses, etc.

SEC. 4. The common council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, pest houses or quarantine buildings, either within or without the city limits, and provide for the appointment of the necessary officers, attendants or employes, for the care and management thereof, and for the care and treatment therein, of such sick and diseased persons as to the council or board of health of the city shall seem proper, and by direc-

tion of the council or board of health, persons having any malignant, infectious or contagious disease, or who have been exposed to such disease, may be removed to such hospital, pest house or quarantine buildings, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital, pest house or quarantine grounds until duly discharged.

SEC. 5. The council shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by sections four thousand four hundred ten to four thousand four hundred fifty-nine of the compiled laws of eighteen hundred ninety-seven and amendments thereto, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Council to have power of board of health.

TITLE XVII.

BOARD OF HEALTH.

SECTION 1. When this act shall take effect, the term of office of each member of the present board of health of said city shall expire, and the appointees then constituting said board shall cease to be members thereof, unless thereafter reappointed as provided in this act. At the first regular meeting of the common council of the city of Saginaw, after this act takes effect, there shall be created and constituted a new board of health in and for said city, composed of five members, not less than two of whom shall be physicians, who shall be appointed by the mayor of the city of Saginaw and confirmed by the common council of said city, and who shall be electors of said city, no more than three of whom shall reside in any one taxing district, or belong to the same political party, and who shall hold their office until the first regular meeting of the common council of said city in January, nineteen hundred six, and until their successors have been appointed and confirmed. At the first regular meeting of the common council in January, nineteen hundred six, their successors in office shall likewise be appointed by the mayor of the city of Saginaw and confirmed by the common council of said city, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, and annually thereafter the mayor of the city of Saginaw shall appoint one member of the board of health and the common council shall confirm such appointment of such elector for the term of five years, and said electors shall

New board of health.

When mayor shall appoint successors.

Organization
of board,
office, room,
etc.

constitute the board of health of the city of Saginaw. The members elected under this act shall, within ten days after their election, or such further time as the common council may fix, meet and organize such board of health by the election of one of its members president, and the common council shall at all times provide said board with suitable office room for its meetings and business, and supply record books, stationery and other things necessary for the transaction of public business under the charge of said board, and provide for the payment in like manner as other accounts against the city, of all necessary and lawful accounts incurred by said board. Each member shall have one vote; a majority of such board shall be a quorum for the transaction of business.

Quorum.

Ice permit.

SEC. 2. No ice shall be cut for the purpose of being sold or used for domestic purposes in this city from any pond, lake, creek or river within the limits of this city, unless a permit therefor shall first be obtained from the board of health of this city, and no person or persons shall sell or deliver any ice in this city for domestic purposes without first obtaining a permit therefor from the board of health of this city, and it shall be lawful for any such board of health to refuse a permit and revoke any permit granted by them, as aforesaid, when in their judgment the use of any such ice cut or sold, or to be cut or sold, for domestic purposes, under the same, is or would be detrimental to the public health.

May prohibit
sale or use of
ice.

SEC. 3. The board of health of this city may prohibit the sale or use of any ice for domestic purposes within the limits of this city, when in their judgment the same is unfit for use, and the use of the same would be detrimental to the public health; and the said board may prohibit, and through its officers stop, detain and prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of this city, and also in the same manner stop, detain and prevent the sale of any such ice for domestic purposes within the limits of this city, when in their judgment the same is unfit for use and the use of the same would be detrimental to the public health, and the said board may prohibit, and through its officers stop, detain and prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of this city for domestic purposes, and also in the same manner stop, detain and prevent the sale of any such ice for domestic purposes found within the limits of this city.

Penalty.

SEC. 4. Whoever violates any provisions of this title or any order or regulation of the board of health made in pursuance thereof, shall be fined in any sum not exceeding one hundred dollars, and in default of payment may be imprisoned in the Saginaw county jail any period not exceeding ninety days.

SEC. 5. The said board shall have power, and it shall be their duty to take such measures as they shall deem effectual, to prevent the entrance of any pestilential or infectious disease into said city; to stop, detain and examine for that purpose every person coming from any place infected or believed to be infected with such a disease; to establish, maintain and regulate a pest house, or hospital, or both, at some place in said city, or not exceeding three miles beyond its limits or bounds; to abate all nuisances of every description which are or may be injurious to the public health in any way and manner they may deem expedient, and from time to time to do all acts, make all regulations, and recommend to the common council to pass such ordinances as they shall deem necessary or expedient for the preservation of health and the suppression of disease in said city, and to carry into effect and execute the powers hereby granted. Said board of health shall also have and exercise within and for said city all the powers and authority conferred upon boards of health, so far as the same are applicable and consistent with this act, such powers as are now or may hereafter be granted to boards of health by the general laws of the State. Said board of health, its agents or officers shall have no authority to incur any liability against the city unless so authorized to do by the common council.

Pestilential
or infectious
diseases.

Pest house.

Authority to
incur
liability.

SEC. 6. The owner, driver, conductor or other person in charge of any stage coach, railroad car or steamboat, or other public conveyance, which shall enter the city, having on board any person known to him to be sick of any malignant fever or other contagious, pestilential or infectious disease, shall within two hours after the arrival of such person, report in writing the fact to the mayor, or to the health officer of said board, with the name of such person and the house or place where he was put down in the city; and every neglect to comply with any of the foregoing provisions, shall be deemed a misdemeanor and punishable in manner and form as provided in section four of this title.

Notice of
arrival of
certain sick
persons.

SEC. 7. Any person who shall knowingly bring or cause to be brought into the city any person or any property of any kind, tainted or infected with any malignant fever, or any contagious, pestilential or infectious disease, shall be deemed guilty of a misdemeanor and punishable in manner and form as provided in section four of this title.

Penalty.

SEC. 8. Every keeper of a hotel, lodging house or boarding house in the city, who shall have in his house at any time any person sick with any contagious, pestilential or infectious disease, shall report such fact and the name of such sick person, in writing within six hours after such fact shall have come to his knowledge, to the mayor, or to said board of health or to the health officer thereof. Every physician in the city shall report in writing to the health officer at his office, the name, residence and disease of every

Keeper of
hotel, etc.,
to report.

Physicians.

patient whom he shall attend professionally, and who shall be sick of any contagious, pestilential or infectious disease, within six hours after the nature of such disease shall have become apparent to said attending physician. Any violation of any of the provisions of this section shall be deemed a misdemeanor and punishable as provided in section four of this title.

Meetings.

SEC. 9. The board of health shall hold regular meetings each month, and special meetings at the call of the health officer. The city clerk shall be the clerk of said board and keep a correct record of its proceedings.

TITLE XVIII.

BOARD OF PUBLIC WORKS.

Creation of
new board.

SECTION 1. When this act shall take effect, the term of office of each member of the present board of public works of said city shall expire, and the appointees then constituting said board shall cease to be members thereof, unless thereafter reappointed as provided in this act. At the first regular meeting of the common council of the city of Saginaw, after this act takes effect, there shall be created and constituted a new board of public works in and for said city, composed of five members who shall be elected by the common council of said city, and who shall be electors of said city, no more than three of whom shall reside in any one taxing district, or belong to the same political party and who shall hold their office until the first regular meeting of the common council of said city in January, nineteen hundred six, and until their successors have been elected. At the first regular meeting of the common council in January, nineteen hundred six, their successors in office shall likewise be elected by the common council, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, and annually thereafter the common council shall elect one member of the board of public works for the term of five years, and said electors shall constitute the board of public works of the city of Saginaw. The members elected under this act shall, within ten days after their election, or such further time as the common council may fix, meet and organize such board of public works by the election of one of its members president, and the common council shall at all times provide said board with suitable office room for its meetings and business, and supply record books, stationery and other things necessary for the transaction of public business under the charge of said board; and provide for the payment, in like manner as other accounts against the city,

Successors,
how elected,
term of office,
etc.

When to meet
and organize.

of all necessary and lawful accounts incurred by said board. Said board shall have one regular meeting each week, and such special meetings as may be necessary and each member shall have one vote; a majority of such board shall be a quorum for the transaction of business.

Regular and
special
meetings.

Sec. 2. Said board of public works shall, after the said public improvements have been first duly ordered by the common council or authorized board, have supervision and charge of the construction and repair of all sidewalks, crosswalks, culverts, bridges, docks, fountains, water mains and pipes in streets and reservoirs; the construction and repair and extension of all main and lateral sewers and drains; the erection, alterations and repair of all police stations, city halls and other public buildings of every description in said city, except school houses and fire stations and engine house: Provided, however, That repairs on said buildings, not exceeding in cost the sum of twenty-five dollars, may be made by the controller; the deepening and cleaning of ditches and gutters, the cleaning, repairing, grading, paving, repaving, planking, graveling or covering with other material of all streets and alleys; the construction and improvement in all parks, cemeteries and grounds, and perform such other duties in the superintendence, construction and care of public works and improvements as the common council or authorized board may from time to time direct.

Duties of
board.

Proviso.

Sec. 3. Said board may fix a uniform charge or fee in any street or portion of a street, for putting in a tap or making private water connections with a street main, which charge or fee may include all the costs and expense of labor and material for connecting such main with a service pipe and laying the same from the center of such street to the curb line thereof. And whenever it shall be desirable in anticipation of paving, repaving or otherwise improving any street to require the owners or occupants of lots, pieces or parcels of land, fronting on the portion so to be improved, to connect such premises with the water main in said street, as now or hereafter provided by the ordinance of said city, and if said owner or occupant shall fail to connect the same in compliance with the notice given under said ordinance said board may then cause the necessary work to be done to connect said premises with the water main in said street, and furnish the labor and material required therefor, and charge the lot, piece or parcel of land in front of which said private water connection is laid, with the fee or charge for making said connection so established by it as aforesaid. And the same shall be assessed against said real estate in the same manner and with the same force and effect as is now or may hereafter be provided by the ordinances of said city, and by title eight of this charter for making special assessments.

Fix uniform
fee.

When owner
fails to connect
premises
with water
main.

When assessed
against real
estate.

Determination
to be de-
clared by
resolution.

Duty of
board of
public works.

To advertise
for proposals.

Bidders to
furnish
security.

Contracts,
form, etc.

Right to
retain
amount from
contract price.

SEC. 4. Whenever the common council of said city shall have decided upon the making of any such public improvement, including bridges crossing the Saginaw river, it shall so declare by resolution; and the board of public works, with all convenient dispatch, shall determine as to the particular kind, and estimate the quantity of materials to be used therefor, and estimate, in detail, the probable cost and expense of such work, and of the material to be used therein, and make a record thereof in their office; and cause to be prepared plans and specifications in detail for such work or improvement, and place the same on file in their office, and report their determination and estimate to the common council. When such plans and specifications have been submitted to the common council and adopted by it, the said board of public works shall (except in the case of the cleaning and deepening of ditches and gutters, and the repair of streets and sidewalks) advertise for proposals for the furnishing of material and for the performance of such work in accordance with the plans and specifications so recommended and adopted; and shall require all bidders to furnish security for the performance of proposals tendered to said board if the bid is accepted, and also security for the performance of any contract awarded; and bids submitted to said board shall be publicly opened by it, and as soon as may be thereafter, reported by the said board, together with its recommendation in respect thereto, to the common council. No contract shall be let except to the lowest responsible bidder nor unless it be first recommended by the said board of public works, and authorized by the common council.

SEC. 5. All contracts made by said board shall be in the name of the city of Saginaw, be first approved, as to form, by the city attorney, and be executed by the president and clerk of said board, and when made such board shall, in behalf of the city, have direction of the performance thereof. The board shall reserve the right, in all contracts, to determine all questions as to the proper performance of such contracts, and as to the completion of the work specified therein; and in case of the improper, dilatory or imperfect performance thereof, to suspend work at any time, to order the partial reconstruction of the same, if improperly done to relet the work covered by said contract, or any unfinished portion thereof; or, by its employees, to take possession and complete the same at the expense of the contractor. It shall also have the right, by proper provisions, in all contracts, to retain a sufficient amount from the contract price to pay and discharge all debts incurred by the contractor for labor performed and material furnished upon any public work; and upon the failure of the contractor to pay the same, to make payment thereof to the parties entitled thereto, and charge the amount so expended against the contract price.

SEC. 6. The said board of public works shall have power to appoint a city engineer, and bookkeeper, all of said appointees to hold office during the pleasure of the board. The city engineer shall make all surveys for the laying out, constructing, altering, repairing and improving of streets, sewers, water mains, parks, cemeteries, public grounds and buildings, and prepare all necessary plans, diagrams, profiles and specifications therefor, and do the civil engineering work of every description as required by the common council, the board of public works, or any board of said city, and he shall have personal supervision under the direction of the board of public works, of the construction and repairing of public buildings, grading, paving, repaving, sewers, bridges, parks, cemeteries, public grounds and the water works system of the city of Saginaw, and such other public work as the common council, the board of public works or other boards may require. Said engineer shall have authority to employ, subject to the approval of the board of public works, such assistants under him as are required for the prompt and proper performance of the engineering and public works department of said city, and said engineer may discharge such assistants. At the first regular meeting of the common council after this act shall take effect, the mayor shall appoint a superintendent of public works by and with the consent of the common council, who shall hold office until the first Monday in January, nineteen hundred eight, and until his successor is appointed and qualified. Thereafter term of office of said superintendent of public works shall be for three years and he shall be appointed by the board of public works. The superintendent of public works shall have supervision of the cleaning and repairing of public streets, alleys and grounds, the construction and repairing of sidewalks and crosswalks, the cleaning and deepening of ditches and gutters, and such other duties as may be required by said board of public works. Said board of public works shall also have authority to employ inspectors, clerks and all other subordinates as may be necessary to enable the board of public works to properly perform the duties devolving upon it. Said board of public works shall recommend annually, but the council shall have the authority to fix the compensation of all appointees of said board, except as herein provided. Said board of public works shall fix the compensation paid to persons employed by the day, and all claims for the same, shall whenever certified by the board of public works, be submitted to the common council for allowance and payment, in the same manner as other claims against the city.

Appoint
engineer and
book keeper.
Duties of
engineer.

Mayor to
appoint
superintendent
of public
works.

Term of office.

Duties.

Inspectors,
clerks, etc.

SEC. 7. The said board shall classify the various work under its control, and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs and superintendence, and salaries of employes, and also detailed accounts of all other matters under its charge

To classify
work and
keep account.

To make estimates and report.	and control, and on the second Monday in each year, and oftener if required by the common council, submit to it a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board; the character and amount of all contracts made by the board; the moneys earned and paid thereon, and all other information necessary to the full understanding of the business conducted by said board. The board shall from time to time also make estimates of the amounts earned and payable upon any contract for work done and material furnished, and report the same to the common council, and it shall be the duty of the common council, without unreasonable delay, to order payment from the proper fund of the amount so reported, and on the second Monday in January in each year said board shall submit to the common council a financial statement covering the business of the fiscal year.
Clerk to keep full record of proceedings.	SEC. 8. The city attorney shall act as legal adviser of said board, and the city clerk shall be by himself or his deputy, by him to be appointed, the clerk thereof, and shall keep a full record of its proceedings, showing the vote by ayes and nays of each member upon every motion brought before or determined by said board, relative to the adoption of plans, letting of contracts, approval of bonds, or the appointment of officers or employes, which record shall at all times be open to public inspection, and a copy thereof published within five days after each session in the official newspaper of the city. A majority of the board shall form a quorum for the transaction of business, but a majority of all members constituting said board shall be necessary to decide any question before the same. Said board shall appoint a bookkeeper, who shall keep a set of books showing the accounts and condition of said board and all work done by them. The board shall have the power to make all such by-laws, rules and regulations as may be necessary or expedient for the conduct of its business. It shall have the power to fix the duties, and at any time to suspend or discharge any of its appointees or employes, and appoint or employ others in their place, as to the said board the public interest may seem to require.
Quorum.	SEC. 9. No member of said board shall hold an elective or appointive office under the charter of said city during his continuance as a member of said board, and his election to and acceptance of any office in said city shall be deemed a resignation of membership, and shall vacate his office in said board. No member of said board shall be personally interested, either directly or indirectly in any contract for any public work in said city, nor in the sale or disposition of any material to be used or applied in or about any public work or improvement.
Bookkeeper.	SEC. 10. All books, surveys, field notes, plats, plans, specifications and other records of every description, relative to streets, sewers, public grounds or buildings of the former
By-laws, rules, etc.	
To fix duties, suspend appointees, employes.	
Not to hold elective or appointive office.	
Not to be interested in contract, etc.	
Books, surveys, etc., to belong to city.	

cities of Saginaw and East Saginaw, together with all future surveys, surveyors' field notes, plats, records, plans, profiles and other papers connected with the work of the board shall belong to the present city of Saginaw and be carefully preserved as public records.

TITLE XIX.

BOARD OF WATER COMMISSIONERS.

SECTION 1. At the first regular meeting of the common council of the city of Saginaw, after this act takes effect, there shall be created and constituted a board of water commissioners in and for said city, composed of five members who shall be appointed by the mayor of the city of Saginaw, subject to confirmation by the common council of said city, and who shall be electors of said city, no more than three of whom shall reside in any one taxing district or belong to the same political party, and who shall hold their office until the first regular meeting of the common council of said city in January, nineteen hundred six, and until their successors have been appointed and confirmed. At the first regular meeting of the common council in January, nineteen hundred six, their successors in office shall likewise be appointed by the mayor of the city of Saginaw and confirmed by the common council of the city of Saginaw, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years, and annually thereafter the mayor of the city of Saginaw shall appoint one member of the board of water commissioners and the common council shall confirm such appointment for the term of five years, and said electors shall constitute the board of water commissioners of the city of Saginaw. The members elected under this act shall, within ten days after their election, or such further time as the common council may fix, meet and organize such board of water commissioners by the election of one of its members president who shall hold his office one year. The city shall have authority to purchase or construct new and to maintain and extend existing water-works for the introduction of water into said city, and supplying the same and the inhabitants thereof with pure and wholesome water for the ordinary and extraordinary uses of the inhabitants thereof, the extinguishment of fires and for such other purposes as the board of water commissioners as authorized by the council may prescribe.

SEC. 2. The city may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery

When created, members of, etc.

Successors, by whom appointed, term of office, etc.

When to meet and organize.

Authority to purchase, etc., water works.

May acquire, erect etc., reservoirs, canals, etc

and may acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction and maintenance of such water-works.

Certain sum,
may borrow.

SEC. 3. It shall be lawful for the city, subject to the provisions of this act, to borrow any sum of money not exceeding five per cent of the assessed value of the property in said city, as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing or extending water-works, as provided in the two preceding sections. The council shall have the power to fix the time and place of payment of the principal and interest of the debt contracted under the provisions of this title, and to issue bonds of the city therefor, but the rate of such interest shall not exceed four per cent per annum, and such bonds shall not be sold for less than their par value: Provided, That the total amount expended for constructing, purchasing, or extending such water-works shall not exceed the estimate of expense provided for in section four of this title.

May issue
bonds.

Proviso, total
amount not to
exceed

Question
submitted to
electors.

SEC. 4. Before any money shall be borrowed, appropriated, raised or expended, for the purchase, construction or extension of water-works in the city, the council shall direct the board of water commissioners to cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide: Provided, however, That after water-works have been purchased or constructed by the city the council may then raise and expend, in making repairs or alterations, or in extending such works, such sum as they may see fit, without submitting the question to the electors of the city.

Proviso,
repairs or
alterations.

Duties,
powers, etc.

SEC. 5. The said board of water commissioners, subject to the direction of the council, is hereby charged and entrusted with the following duties, powers and responsibilities:

Supervision
and control.

First, The management, supervision and control of such water-works as are or shall be owned by the city;

Supply of
water.

Second, To examine and consider all matters relative to supplying the city of Saginaw with a sufficient quantity of pure and wholesome water for the use and convenience of all the inhabitants of said city, to be obtained from the Saginaw river, the Tittabawassee river, the Shiawassee river, the Cass river, or such other place or source of supply as may be deemed expedient, and as may be approved by the common council, and to plan and manage such water-works so as to provide for an ample supply to protect said city against fire and for other public or sanitary purposes, and the best interests of said city and its inhabitants may seem to require;

Third, The said board shall have power to make and adopt all such by-laws, rules and regulations as they may deem necessary and expedient for the transaction of their business, not inconsistent with the ordinances of the city or the provisions of this act. By-laws and rules.

SEC. 6. Whenever the expense of constructing or repairing any work of the board of water commissioners shall not exceed the sum of two hundred dollars, the work shall be done by such board in such manner as they may deem proper; but whenever such expense shall exceed the sum of two hundred dollars, then the said board of water commissioners shall submit the plans, diagrams, profiles and estimates thereof to the council for their approval, and when so approved the board shall, subject to the approval of the council, cause such work to be done by contract, or otherwise in such manner, as they may deem proper: When to submit plans, etc., to council. Provided, That if the expense shall exceed the sum of five hundred dollars, the board shall advertise for sealed proposals, and shall give such notice as the council may direct, and shall let the contract to the lowest responsible bidder who shall be deemed competent to do the work and give adequate security for the performance thereof, which contract and security shall be approved by the council. Provide, sealed proposals.

SEC. 7. All work done under the supervision of said board shall be reported to the council from time to time, and no money shall be paid out of the treasury on account of any work so done until the council shall have authorized the same, except as hereinbefore provided; and ordered the same paid by warrant drawn on the city treasurer, and all claims or accounts against the city that in any manner relate to the works in charge of such board, or that have been incurred by such board shall first be submitted to and approved by the board of water commissioners before the council shall be authorized to order such warrant drawn. Council to authorize payment of money. It shall be the duty of the board to make an annual report to the council on the second Monday in January of each year, which report shall embrace an itemized statement of the revenues and the expenditures relating to or connected with each of the works under their control, keeping a separate account of each fund, and a statement of the condition, progress and operation of said works. They shall also make such other reports, and furnish such other information to the council as that body shall by resolution or ordinance provide. To make annual report to council.

SEC. 8. Said board shall, from time to time, cause to be assessed the water rate to be assessed. Water rate to be assessed. by the owner or occupant of each lot, house or building having or using water, upon such basis as they shall deem equitable, and such water rate shall become a continuing lien until paid upon such house or other building, and upon the lot or lots upon which such

Proviso, when water furnished tenant.	house or building is situated: Provided, When water is furnished a tenant, said board shall cause notice to be served on the owner of such lot or building, within thirty days after default on the part of the tenant to pay such water rate, or no such lien shall attach. Said board shall have full power to make and enforce all necessary by-laws, rules and regulations for the collection of the water rates, either by appointment of collector to demand the same, requiring payment to be made to the treasurer of the city of Saginaw, and shall shut off the water, or by a suit at law, before any court of competent jurisdiction. If any sum of money is needed over and above the revenue of said water-works to meet the payment of interest or principal of bonds issued, and other current expenses of said water-works, the common council may, upon the approval of the board of estimates, raise any sum not exceeding one-half of one per cent upon the assessed valuation of property in said city, as shown by the last preceding assessment roll, which it deems necessary for such purposes, by tax upon the proper taxing district, in the same manner as general taxes, to be designated a water tax.
Collection of water rates.	
Amount council may raise for water works.	
Power to purchase lands, supplies, etc.	SEC. 9. The said board shall have power from time to time, by and with the consent of the common council, to purchase lands, supplies, machinery, pipes and fixtures as may be required for the proper maintenance, operation and extension of the water supply of said city.
Title vested in city.	SEC. 10. The consolidated city is hereby vested with the title to all existing water-works, machinery, pipes, buildings and appurtenances of every kind heretofore belonging to the city of Saginaw and the city of East Saginaw, and shall assume and pay by the respective taxing districts all the indebtedness, bonded or otherwise, outstanding or incurred therefor, and to meet such bonded indebtedness the common council shall have power to create a sinking fund and may levy and collect annually therefor not exceeding forty thousand dollars, and may also credit to such fund on the recommendation of the board of water commissioners such sums from the water funds as in the judgment of the common council shall be proper for such purpose, and in case the fund so collected is not adequate to meet and pay the said bonded indebtedness as the same matures, the common council shall have power to issue the bonds of the city bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, to be styled water refunding bonds, and to pledge the credit of the whole city for the prompt payment of the principal and interest to the holder, as provided in section twenty-eight, title eight, and to sell and dispose of the same at the best obtainable price, and with the proceeds thereof to pay and repeal all maturing bonds. To meet the cost of the maintenance, improvement and extension of the present system in excess of the revenue derived
Sinking fund.	
Water re- funding bonds.	
Water bonds.	

from the works, the common council shall have power upon the recommendation of the board of water commissioners to issue and negotiate bonds, to be styled water bonds, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, not exceeding three hundred thousand dollars in amount in any one year, and to pledge the faith and credit of the city for the payment thereof, both principal and interest to the holder, pursuant to section twenty-eight, title eight: Provided, That the matter of issuing said bonds shall first be submitted to the taxpaying electors as provided for in section two of title seven of the charter. The common council shall specify by resolution the amount of such bonds, or of such water refunding bonds, separately, which may be issued to retire the existing bonded indebtedness of said eastern taxing district, or of said western taxing district, as the case may be, and also the amount of such water bonds separately as may be issued to meet the cost of the maintenance, improvement and extension of the water-works system in said respective taxing districts. The par value of the water refunding bonds issued by the consolidated city shall be charged against the district, the bonds of which they are issued to retire, and such taxing district shall be separately taxed and pay the interest and principal of such water refunding bonds, all in manner and form as provided in section twenty-eight of title eight. The proceeds of water bonds issued under the authority of this section shall be paid into the separate funds of the respective districts, and such district shall be separately taxed, and shall pay for the cost of the extension, improvement and maintenance of its water-works system, and of the said water bonds issued therefor, all in manner and form provided in section twenty-eight, title eight. None of said water bonds shall be sold for less than par value.

Proviso,
submitting to
electors.

Par value of
certain bonds,
a charge
against
district.

Proceeds,
where paid.

SEC. 11. If any person shall wilfully do or cause to be done any act whereby any work, materials or property whatsoever erected or used within the city of Saginaw or elsewhere by said board, or any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, or shall wilfully pollute the water, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished therefor as other misdemeanors are punished.

Who deemed
guilty of
misdemeanor.

SEC. 12. If any person shall, without the authority of said board, as delegated through them or their agents, perforate or bore, or cause to be perforated or bored, any distributing pipe or main, lateral or log, belonging to the water-works of said city, or make or cause to be made, any connection or communication whatever with the said pipes or logs, or break or in any way injure the same, every person so offending shall, for each offense, forfeit a sum not exceeding one hundred dollars and cost of prosecution, to be recovered

Penalty for
boring, per-
forating, etc.,
of water
mains, etc.

in the police court of said city, or other court of competent jurisdiction, or may be imprisoned in the county jail of Saginaw county not more than three months, in the discretion of the court.

Amount of indebtedness may incur.

SEC. 13. The board of water commissioners shall not have power to incur any indebtedness against the city exceeding the sum of two hundred dollars in amount without the consent of the common council, and the common council shall cause to be paid all bills legally incurred and audited by said board of commissioners, and the vouchers therefor shall be filed with said board, and when required, copies thereof shall be furnished to the controller. The said board shall, on or before the second Monday in January in each year, make and publish an annual report, which report shall embrace a full statement of the condition and operation of the works, and the receipts and expenditures of the past year, a copy of which shall be filed with the common council of said city.

Publish annual report

Report in writing to council.

SEC. 14. It shall be the duty of said commissioners on or before the last Monday in January in each year to make a report in writing to the common council of said city, what if any, sum of money, in the judgment of said board, will be needed over and above the revenue of said board to meet the payment of interest or principal of bonds issued, and other current expenses, and the common council may upon the approval of the board of estimates raise any sum not exceeding one-half of one per cent upon the assessed valuation of property in said city, as shown by the last preceding assessment roll, which it deems necessary for such purposes, by tax, upon the proper taxing district, in the same manner as general taxes, to be designated a water tax.

Bids solicited by advertisement.

SEC. 15. Bids shall be solicited by advertisement in the official paper of the city, for the performance of all work, and the furnishing of all materials required by the board, the estimate cost whereof exceeds three hundred dollars.

Commissioners not to be interested.

No one of said commissioners shall be interested either directly or indirectly, in any contract entered into by them with any other person or persons; nor shall they be interested either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Materials exempt from execution.

SEC. 16. All materials procured, or partly procured, under a contract with said commissioners, shall be exempt from execution, but it shall be the duty of the commissioners to pay the money due for such material to the judgment creditor, of the contractor, under whose execution such material might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held a valid payment on the contract.

SEC. 17. The said board of water commissioners shall have power to appoint engineers and firemen at the water-works, clerks, hydrant men, and required day laborers, all of said employees to hold their positions during the pleasure of the board. Said board of water commissioners shall recommend annually, but the common council shall have the authority to fix the compensation of all appointees of said board except as herein provided.

To appoint
engineers,
firemen,
clerks, etc.

SEC. 18. The said board shall classify the various work under its control, and keep an accurate account of the cost of each, and the amounts expended for construction, repairs and superintendence, and salaries of employees, and also detailed accounts of all other matters under its charge and control, and on the second Monday of January in each year, and oftener if required by the common council, submit to it a statement, showing in detail the progress and condition of all public improvements commenced or carried forward by said board; the character and amount of all contracts made by the board; the moneys earned and paid thereon, and all other information necessary to the full understanding of the business conducted by said board. The board shall from time to time also make estimates of the amounts earned and payable upon any contract for work done and material furnished, and report the same to the common council, and it shall be the duty of the common council, without unreasonable delay, to order payment from the proper funds of the amount so reported, and on the second Monday of January in each year said board shall submit to the common council a financial statement covering the business of the fiscal year.

To classify
work and
keep accounts.

To make
estimates and
report.

SEC. 19. The city attorney shall act as legal advisor of said board, and the city clerk shall be by himself or his deputy, by him to be appointed, the clerk thereof, and shall keep a full record of its proceedings, showing the vote by ayes and nays of each member upon every motion brought before or determined by said board, relative to the adoption of plans, letting of contracts, approval of bonds, or the appointment of officers or employees, which record shall at all times be open to public inspection, and a copy thereof published within five days after each session in the official newspaper of the city. A majority of the board shall form a quorum for the transaction of business, but a majority of all members constituting said board, shall be necessary to decide any question before the same. Said board shall appoint a bookkeeper, who shall keep a set of books showing the accounts and condition of said board and all work done by them. The board shall have the power to make all such by-laws, rules and regulations, as may be necessary or expedient for the conduct of its business. It shall have the power to fix the duties, and at any time to suspend or discharge any of its appointees or employees, and appoint

Clerk to keep
record of
proceedings.

Quorum.

To appoint
bookkeeper.

By-laws and
rules.

To fix duties
and discharge
employees.

or employ others in their place, as to the said board the public interest may seem to require.

Member not to hold elective or appointive office under charter.

SEC. 20. No member of said board shall hold an elective or appointive office under the charter of said city during his continuance as a member of said board, and his election to and acceptance of any office in said city shall be deemed a resignation of membership, and shall vacate his office in said board. No member of said board shall be personally interested, either directly or indirectly in any contract for any public work in said city, nor in the sale or disposition of any material to be used or applied in or about any public work or improvement.

Not to be interested in contract.

Pipes at expense of owner.

SEC. 21. The connecting or supplying pipes leading from buildings or yards to the distributing pipes shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the board of public works. All such connecting or supplying pipes shall be constructed and connected in the manner prescribed by such board.

When to establish water rates.

SEC. 22. The board of water commissioners shall annually, on or before the first Monday in June, establish a scale of rates to be charged and paid for supply of water for the year next ensuing, to be called water rates, and shall be appropriate to different classes of buildings in the city, with reference to their dimensions, value, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns and all other buildings, establishments and trades, yards, number of families or occupants or consumption of water, as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rates.

Resolutions for care, etc., of water works, fixtures, etc.

SEC. 23. The council may enact such ordinances and the board of water commissioners adopt such resolutions as may be necessary for the care, protection, preservation and control of the waterworks and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith, or belonging thereto, and to carry into effect the provisions of this title and the powers herein conferred in respect to the construction, management and control of such waterworks.

When water works, outside corporate limits.

SEC. 24. When the council upon the recommendation of the board of water commissioners shall deem it for the public interest, such waterworks may be purchased or may be constructed, and maintained beyond corporate limits of the city; and in such case the council shall have authority to enforce beyond the corporate limits of the city, within the county or counties in which such city is situated, and over the buildings, machinery and other property belonging to and connected with such waterworks, in the same manner and to the same extent as if they or it, were within the city,

all such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

SEC. 25. For the purpose of operating, constructing, maintaining or extending such waterworks, the city shall have the right to lay conduits, pipes, aqueducts or other necessary works over or under any water course, or under and along any street, alley, lane, turnpike, road, railroad or highway within or without the city, but not in such manner as to obstruct the same or impede or prevent travel thereon; and the city authorities may at all times enter upon and dig up such street, alley, road or highway to lay pipes thereon, or to construct works beneath the surface thereof, but they shall cause the surface of such street, alley, road or highway to be relaid and restored to its usual state, and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

SEC. 26. If it shall be necessary, in the judgment of the council to appropriate private property either within or without the city for the construction and maintenance or for the due operation of waterworks, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use: Provided, however, That whenever it is found necessary for the city to condemn property for the purposes mentioned in this section, proceedings for the condemnation of such property lying outside of the city limits shall be instituted and prosecuted under the general law of the State.

TITLE XX.

PARK AND CEMETERY COMMISSIONERS.

SECTION 1. At the first regular meeting of the common council of the city of Saginaw, after this act takes effect, there shall be created and constituted a new board of park and cemetery commissioners in and for said city, composed of five members who shall be appointed by the mayor of the city of Saginaw and confirmed by the common council of said city, and who shall be electors of said city, no more than three of whom shall reside in any one taxing district or belong to the same political party, and who shall hold their office until the first regular meeting of the common council of said city in January, nineteen hundred six, and until their successors have been appointed and confirmed.

SEC. 2. At the first regular meeting of the common council in January, nineteen hundred six, their successors in office shall likewise be appointed by the mayor of the city

Rights to lay
conduits,
pipes, etc.

To appropriate private
property.

Provido,
property outside city
limits.

Creation of
board.

Appointment
of successors,
term of office,
etc.

To meet and organize.	of Saginaw and confirmed by the common council of the city of Saginaw, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, and annually thereafter the mayor of the city of Saginaw shall appoint one member of the board of park and cemetery commissioners, and the common council shall confirm such appointment, for the term of five years, and said electors shall constitute the board of park and cemetery commissioners of the city of Saginaw. The members elected under this act shall, within ten days after their election, or such further time as the common council may fix, meet and organize such board of park and cemetery commissioners by the election of one of its members president who shall hold his office one year.
Meetings, when held.	SEC. 3. Such board of park and cemetery commissioners shall hold regular meetings once a month, and shall adopt all necessary rules for the regulation of its business; it shall keep a complete record of all its proceedings, which record, or a copy thereof, duly certified by the clerk of said board, shall be competent evidence of the transactions of said board in all the courts of this State; the ayes and nays shall be called upon the passage of every resolution or order; three members of the board shall constitute a quorum for the transaction of all business, but no resolution or order shall be adopted unless three members shall vote in its favor. The city clerk shall act as the clerk of such board of park and cemetery commissioners, and shall receive no additional salary or compensation for such services.
City clerk.	
May employ superintendents, landscape gardeners, etc.	SEC. 4. Such board of park and cemetery commissioners may employ such superintendents, landscape gardeners and other employes as it may deem necessary for the execution of its duties, and fix their salaries or compensation; and any such persons may be removed by such board at any time.
Management of parks.	SEC. 5. Such board of park and cemetery commissioners shall have the entire management and control of all parks now belonging to such city, or which may hereafter be acquired. Such board of park and cemetery commissioners shall also have the direction and control of public baths and all improvements of every nature within the park or parks of such city, and (subject to the approval of the common council), of all the moneys derived from levies made for park purposes, and of all moneys from the general fund appropriated by the council for such purposes, and of the proceeds of all bonds issued or sold for park purposes, and of all moneys or other property donated to such city for park purposes; all of which moneys shall be placed in a special fund called the "park fund," and shall be disbursed by the treasurer of such city, only upon a warrant of the city clerk, drawn in accordance with the order of such board of park and cemetery commissioners.
Public baths.	
Park fund.	

SEC. 6. Such board of park and cemetery commissioners shall have power to contract for park pets, such as small animals, birds and fishes, and for the improvements of the grounds, the erection of public baths, necessary bridges and structures connected therewith, and to adopt rules for the protection, care, promotion and government of street shade trees and ornamentation and the parks under its charge, and such rules, when approved by the council of such city, shall have the same effect and may be enforced by the same penalties as ordinances of the city. Such board of park and cemetery commissioners shall have no power to incur any liability for park purposes beyond the amount of the funds levied therefor or appropriated to their order by the council for such purposes.

To contract for park pets, etc.

Not to incur liability beyond certain amount.

SEC. 7. It shall be the duty of such board of park and cemetery commissioners, before entering into any contract for the performance of any work, the cost of which exceeds five hundred dollars, to cause plans and specifications and forms of bids to be prepared and when adopted by such board, it shall have the same printed for distribution among bidders.

When to cause plans, specifications, etc., to be prepared.

SEC. 8. The board shall not enter into any contract for work or supplies where the estimated cost thereof exceeds five hundred dollars, without first causing ten days' notice in the official paper that sealed proposals may be received for doing the work or furnishing such materials and supplies.

To cause ten days' notice

SEC. 9. Each bid shall be accompanied by a certified check to guarantee the acceptance of the contract, if awarded by the board.

Check to guarantee acceptance.

SEC. 10. All bids for work and supplies shall be enclosed in a sealed envelope and same deposited with the clerk of the board, and such sealed envelope shall have endorsed thereon the nature of the same, and all bids shall be opened at a regular meeting of the board.

Bids to be enclosed

SEC. 11. The board shall enter into contract with the lowest responsible bidder, upon his giving bond to the corporation with such sureties as the board shall approve, that he will perform the work or furnish the material and supplies in accordance with his contract and such board shall be the final judges as to who are responsible bidders, and on the failure of such bidder, within a reasonable time, to be fixed by the board, to enter into bond with such surety as before provided, the contract may be made with the next highest responsible bidder, and so on until the contract is effected by the contractor giving bond as aforesaid: Provided, That the board may reject any and all bids, and that no member of the said board shall be in any manner, either directly or indirectly, interested in any contract.

To contract with lowest bidder.

Proviso.

SEC. 12. The title of all property now or hereafter acquired for park purposes, park entrances, park driveways and park boulevards, with all improvements and equipments,

Property exempt from taxation.

shall be held free from all taxes and assessments by State, county or municipality.

Annual
report, what
to contain.

Estimate
amount
necessary for
ensuing year.

When esti-
mates may be
placed on
general tax
roll.

May bond
for public
bath.

Advertising
and sale of
bonds.

Moneys,
where
credited.

Bills,
accounts,
when
submitted.

Warrants for
payment.

Proviso, as to
affidavit.

SEC. 13. Such board of park and cemetery commissioners shall annually, on the first Monday in April, make a report to the council of their proceedings in respect to parks, with a detailed statement of their receipts and expenditures during the year; and they shall also at the same time submit to the council a detailed estimate of the amount of money necessary to maintain and improve such park or parks for the ensuing year.

SEC. 14. The common council, with the consent of the board of estimates may be caused to be placed upon the general tax roll and raised by tax, the same as other taxes, such sum as they may think proper to be raised for each of the several objects of expenditure estimated as aforesaid the maintenance and improvements of said parks, public grounds or baths or for the payment of any other expenses which said commissioners are by this act authorized to incur. For the purpose of erecting a suitable building to be used for public baths the common council shall have the power with the approval of the board of estimates to borrow upon the best terms they can make, and for such a time as they may deem expedient, a sum of money, not exceeding five thousand dollars, upon the faith and credit of the city of Saginaw, and shall have the authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated "park improvement bonds of the city of Saginaw," and shall bear interest at a rate not exceeding four per cent per annum, and shall mature in not more than thirty years from date of issue. The common council shall have full authority to provide, by resolution, for the advertising and sale of said bonds, and the manner thereof shall conform as near as practicable to the regulations prescribed by law for the issuance of sewer bonds. The moneys so raised, as well as any other moneys received from any source, shall be paid into the city treasury and credited to a fund to be styled the "park fund" and shall be expended and paid out only for the purposes approved by the common council and the board of estimates.

SEC. 15. All bills, accounts and claims of every character against the said department, shall after having been duly audited by said commissioners and certified by them and the clerk, be transmitted to the city controller, who shall submit the same to the common council with his approval or disapproval. When said bills, accounts and claims shall have been allowed by the common council the controller shall draw his warrant or warrants on the city treasurer in payment therefor: Provided, however, That no bill, account or claim against said department shall be audited by the commissioners, unless it shall be accompanied by an affidavit of the

person rendering it that he verily believes the services or property therein charged have been actually performed or delivered to the city, and that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no offset exists or payment has been made on account thereof, except such as are included or referred to in such bill, account or claim. All pay rolls shall be certified by said commissioners and clerk, and shall be delivered to the city controller, who shall draw his warrant for the payment thereof, and deliver the same to the city treasurer, together with said pay roll, and said city treasurer shall pay the amounts mentioned in said pay roll, to the persons entitled thereto. No debt or liability of any kind shall be created by said commissioners during any one fiscal year in excess of the moneys then in said fund, or which may have been authorized to be raised by the common council for said year. The commissioners may receive donations or bequests of money or property, which shall be used for the maintenance and improvement of the grounds under their charge as contemplated by such donations and bequests, which said money shall be paid into the city treasury by them, and warrants drawn against the same, as in case of other expenses of such department, for the purposes for which said donation or bequest shall have been made.

Pay roll.

Donations or bequests.

SEC. 16. It shall be unlawful for any person to cut, injure or deface any tree, building, fence or other erection in any of the said parks, park drives, park entrances or park boulevards, or to turn domestic animals or poultry of any description upon the same or to permit them to wander thereon; to carry firearms within or to frighten, hurt or kill animals or birds belonging to the same, to hinder or to interfere with men employed upon the same. Such board of park and cemetery commissioners and their officers and employees shall have power to make arrests for misdemeanors committed within the precincts of any park, park entrance, park driveway or park boulevard under their management and control, whether within or without the limits of the city, or for the violation of any ordinances of such city. Such board of park and cemetery commissioners shall have power to seize and impound any cattle, horses, mules, donkeys, goats, swine, sheep or other animals, or any poultry of any description found running at large upon parks, park entrances, park driveways or park boulevards.

Injury to trees, buildings, etc.

Power to make arrests.

Power to impound cattle, horses, etc.

SEC. 17. No person shall ride or drive in parks or boulevards at a rate of speed exceeding eight miles per hour, excepting that horses may be speeded on such parts of said boulevard or parks as may be set apart by said commissioners for that purpose, and then only under such regulations as the commissioners may prescribe.

Speeding.

SEC. 18. No person shall ride, drive or draw any velocipede, bicycle, tricycle, wheelbarrow, hand cart, or any other vehicle or any horse or other animal on the footwalks or

Not to ride, drive or draw bicycles, hand cart, etc., on foot walks, etc.

sidewalks, grass plots or planted places of parks or boulevards or upon any other part or portion thereof excepting upon the carriage drives; and no person shall permit any vehicle or animal to stand upon such roadways or carriage drives to the obstruction of the way or inconvenience of travel, and no person shall solicit passengers for hire on either carts or boulevards, excepting by direction or permission of said commissioners.

Not to tie animal to tree or shrub, etc.

SEC. 19. No person shall tie any animal to any tree or shrub, electric light tower, lamp post, fire hydrant or dock or building in said parks or boulevards, nor pluck, break, trample upon or interfere with any grass, flower, plant or shrub in any of such parks or boulevards, or climb, peel, cut, deface, remove, injure or destroy any tree or shrub in any public park or boulevard or pasture any animal on the grass in any of said parks or boulevards, and no person shall stand, walk or lie upon any part of any public park or boulevard laid out or appropriated for shrubbery or for grass when there shall have been placed thereon a sign having the words "keep off the grass" or other similar words thereon.

Not to cut, break or injure electric light tower, fence, bridge, etc.

SEC. 20. No person shall cut, break, or in any way injure any electric light tower, lamp post, fence, bridge, dock, building, fountain or other structure or property in or upon any of said parks or boulevards, and no person shall post or fix any notice or bill or other writing or printing on any tree, tower, lamp post, hydrant, curbstone, coping, flagstone, fence, dock, bridge, wall, building or other place under the charge or control of said commissioners.

Not to engage in sport liable to frighten horses, etc.

SEC. 21. No person shall engage in any sport or exercise upon boulevards or parks as shall be liable to frighten horses, injure travelers or embarrass the passage of vehicles thereon.

Not to fire or discharge firearms or fireworks.

SEC. 22. No person shall fire or discharge any gun or pistol, or carry firearms, or throw stones or other missiles within park boulevards, nor shall any person fire, discharge or set off any rocket, cracker, torpedo, squib or other fireworks, or things containing any substance of any explosive character on said park or boulevard without the consent of said commissioners, and then only under such regulations as they shall prescribe.

Not to gamble or make indecent exposures.

SEC. 23. No person shall gamble, nor make any indecent exposure of himself or herself nor use any obscene language, or be guilty of disorderly conduct, or make, aid, countenance or assist in making any disorderly noise, riot, or breach of the peace, within the limits of parks or boulevards; and no person shall sell or dispose of any intoxicating liquors in or upon any public park without the consent of the said commissioners.

Penalty.

SEC. 24. Any violation of the provisions of this act shall be punished in the police or justice's court, by a fine not to exceed one hundred dollars and costs, and in the imposition

of any fine and costs, the court may make a further sentence that the offender may be imprisoned in the Saginaw county jail until the payment of such fine, for any period of time not exceeding ninety days.

SEC. 25. The police commissioners of the city of Saginaw, upon the request of said park and cemetery commissioners, shall detail for service in any of the grounds or property under the charge of said park and cemetery commissioners, so many of the police force as may be necessary to maintain order and protect the property thereon, and any policeman on duty on said grounds may remove therefrom any person who may violate any of the rules and regulations of said commissioners, or of any of the ordinances of said city, adopted as aforesaid, relating to said parks, public grounds or boulevards. Police service.

SEC. 26. No person shall place or deposit any dead carcass, ordure, filth or garbage of any kind on any public parks; and no person shall send or ride any animal into same, nor shall any person kill, molest or disturb any fish, fowl or animals kept thereon; and no person shall wade into or throw any wood, sand, stone, or other substance into any basin, pool, lake or fountain in any public park, or bathe or fish in any of the waters thereon, except in Saginaw river, where persons may bathe and swim, but only under such restrictions and conditions as may be prescribed by the police commissioners or board of park and cemetery commissioners. Not to deposit filth, garbage, etc., in park.

SEC. 27. No person shall play at any game whatever in any of the said parks under the charge of said commissioners: Provided, however, That ball, golf, croquet, cricket, lawn tennis and other like games or recreation may be played upon such portions of said parks as may be designated from time to time by the commissioners, and under such rules and regulations as may be prescribed by them. When ball, golf, croquet, etc., may be played.

SEC. 28. No person shall expose any article or thing for sale, or do any hawking or peddling, in or upon said parks, without the consent of said commissioners, nor play upon any musical instrument or carry or display any flag, banner, target or transparency; nor shall any military or target company, or band or procession arrayed, march, drill or perform any evolutions, movements or ceremony within any of said parks, or perform any act tending to the congregating of persons on said boulevards or in said parks without permission of said commissioners. Hawking or peddling.

SEC. 29. Said board of park and cemetery commissioners may assist in the promotion of street or civic improvement associations, clubs or societies, and may receive funds from said associations or individuals for the purchase of trees, shrubs or plants in large quantities by said board. The distribution of same to be made by the employes of said board of park and cemetery commissioners, without further cost to the purchaser or depositor. When military may drill, etc.

May assist in street and civic improvement.

May own
cemeteries.

SEC. 30. The city may acquire, hold and own such cemetery or cemeteries, or public burial place or places, either within or without the limits of the corporation, as in the opinion of the board of park and cemetery commissioners, and approved by the common council, as shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interment therein to such cemetery or burial place as the regulations may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials to be taken up and buried elsewhere.

May appropriate sums
for cemetery.

SEC. 31. The council may upon the recommendation of the board of park and cemetery commissioners within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purpose of cemetery grounds, and for the improvement, adornment, protection and care thereof.

City clerk
to be clerk
of board.

SEC. 32. The city clerk shall be the clerk of the board, and the council may by ordinance invest the board with such powers and authority as may be necessary for the care, management and preservation of such cemetery and grounds, the tombs, and monuments, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

Care and
management
of cemeteries.

SEC. 33. Said board, subject to the direction and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named, and plats thereof to be made and recorded in the office of the controller. Such board shall also have power in its discretion to take, receive, and hold any property, real or personal, by devise or otherwise, which may be granted, transferred, or devised, to such board, in trust, for the purpose of caring for and keeping in good order and repair any given lot or lots, or portions thereof, specified in any such trust. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and signed by the controller, and be recorded in the clerk's office at the expense of the purchasers.

May receive
property by
devise, etc.

Conveyances
of lots.

Shall appoint
superintend-
ents, sextons,
etc.

SEC. 34. Said board shall appoint the necessary superintendents, sextons, and employes for the cemeteries; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the purpose and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of the persons visiting the grounds, as may

be consistent with the ordinances of the city and the laws of the State.

SEC. 35. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of trustees shall report to the council annually, on the first Monday in January, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Cemetery fund.

Board of trustees to report annually.

SEC. 36. The council may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

Council may pass and enforce ordinances.

SEC. 37. The council shall have power, also, to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place, within the city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof and the appurtenances thereto.

Cemeteries under control of church, etc.

SEC. 38. The amount standing to the credit of the Forest Lawn cemetery fund, together with fifty per cent of all moneys which shall from time to time be received from the sale of lots and single graves in said cemetery shall constitute a trust fund as hereinafter provided, the income of which, together with the remaining fifty per cent, shall be used for the general care and maintenance of said cemetery and for the purpose of properly caring for lots and single graves that have been sold in said cemetery, and the treasurer of said city is hereby authorized to accept from lot owners and others such sums as may be agreed upon, to be invested as hereinafter provided, the income thereof to be used only for the purpose of properly caring for such lots and single graves in Oakwood and Brady Hill cemeteries as contribution has been made for. The sums so contributed to be expended in said cemeteries respectively, shall constitute and shall be kept in separate funds.

Forest Lawn cemetery fund.

SEC. 39. All moneys received for said purposes or for the use of said funds, shall be paid to the treasurer of said city, to the credit of said funds respectively, who shall deposit the

Moneys received, where credited.

City treasurer to be custodian of trust funds.	same with other moneys of said city and shall credit such trust funds with their proportionate share of the interest paid on city deposits. Such trust fund shall be invested only in the bonds of the city of Saginaw or any other good securities that are approved by the mayor, controller and treasurer of the city. The city treasurer shall be the custodian of said trust funds, and whenever he shall have an opportunity to invest the amount standing to the credit of said trust funds, he shall do so, upon the advice and written consent of the mayor and controller of said city. The warrant of the controller upon the city treasurer when countersigned by the mayor, shall be a sufficient voucher for the withdrawal of said money for the purpose of investment. Whenever any money is needed for the purpose of caring for said lots or graves, or for the general care and maintenance of said cemeteries, and there is any income available in the proper fund, the same, or so much thereof as may be required, shall be paid by the treasurer when allowed by the common council.
When custodian to report.	The custodian of the above funds shall report to the common council at the close of each fiscal year the condition of said funds and in what securities the same are invested, the amount of income derived during the year and the amount expended.
Burial of the poor.	SEC. 40. Said board shall assign and set apart suitable plats of ground for the burial of the poor, and shall creditably care for and beautify the same, and shall cause interments to be made therein, to be paid for out of the poor fund of the city. It shall provide a plat of ground and care for the same, wherein single interment permits shall be sold at a purchase price not to exceed ten dollars.
Single interment permits.	
Exemption from taxation execution, etc.	SEC. 41. The cemetery properties of the city of Saginaw, and all lots and plats therein which have been, or shall hereafter be conveyed by said city, as places of burial of the dead, shall forever be exempted from general taxation, and from special assessments for local improvements, and shall not be liable to be sold on execution or to be applied to the payments of debts, by any assignment under any insolvent law, or by any compulsory process of law.
Removal of bodies.	SEC. 42. When the city of Saginaw holds any land or lands within its limits which shall have been used as a cemetery or burial-ground, and in which interments have been prohibited by the common council, and it shall have been decided to remove the bodies interred therein, it shall be lawful for the council to sell or otherwise dispose of any such land or lands to the purchaser of the same: Provided, That such sale or other transfer of such land shall not operate to give such purchaser possession of the same until the bodies therein interred shall have been removed from such cemetery, and all monuments and tombstones be removed and re-erected at the place of re-interment of the remains of each person, respectively. The board of park and cemetery commissioners shall have power to merge Brady Hill cemetery and Hoyt
Proviso, when transfer not to operate.	
Plan as to landscape effect.	

park in one complete plan as to landscape effect, connecting roadways, planting or other ornamentation and general maintenance, reserving absolutely to said Brady Hill cemetery, however, all rules and regulations governing the other cemeteries belonging to the city of Saginaw.

TITLE XXI.

BOARD OF POLICE COMMISSIONERS.

SECTION 1. When this act shall take effect, the term of office of each member of the present board of police commissioners of said city shall expire, and the appointees then constituting said board shall cease to be members thereof unless thereafter reappointed as provided by the provisions of this act. At the first regular meeting of the common council of the city of Saginaw, after this act takes effect, there shall be created and constituted a new board of police commissioners in and for said city, composed of three members, who shall be appointed by the mayor of the city of Saginaw and who shall be electors of said city, no more than two of whom shall reside in any one taxing district or belong to the same political party, and who shall hold their office until the first regular meeting of the common council of said city in January, nineteen hundred six, and until their successors have been appointed and qualified. At the first regular meeting of the common council in January, nineteen hundred six, their successors in office shall likewise be appointed by the mayor of said city, one for the term of two years, one for the term of four years and one for the term of six years, and biennially thereafter the mayor of the city of Saginaw shall appoint one member of the board of police commissioners for the term of six years, and said electors shall constitute the board of police commissioners of the city of Saginaw. The members elected under this act shall, within ten days after their election, or such further time as the common council may fix, meet and organize such board of police commissioners by the election of one of its members president. Said board, or a majority of them, shall have full power to try and determine all complaints against the chief of police or any policeman or watchman of the city, and to remove them, or any of them, summarily, or on conviction for insubordination, neglect of duty or violation of any of the ordinances or rules and regulations, or violations of any law of the city or State, made or hereafter made, for the government of the police department of the city of Saginaw. The city clerk shall be clerk of said board, and shall keep its record, and shall cause the proceedings of said board to be published in the official paper of said city within

Creation of
new board.

When suc-
cessors ap-
pointed.

When to meet
and organize.

Power of.

Who to be
clerk.

Proviso,
detective work.

five days after each session: Provided, however, That no part of said proceedings relating to the detective work of said department need be published. In case any vacancy occurs, the mayor shall appoint some person to fill the unexpired portion of the term.

Power to
subpoena wit-
nesses, issue
warrants, etc.

SEC. 2. Such board when convened for the purposes mentioned in the preceding section shall be vested with full power to subpoena witnesses, issue warrants to compel the attendance of witnesses, administer oaths, take and record testimony, and to do such other acts as may be lawful to be done by any court for the purposes mentioned in section one of this title.

To appoint
chief of
police, etc.

SEC. 3. The said board of police commissioners shall have power to appoint a chief of police, and other officers, and such number of policemen with pay not to exceed the amount appropriated therefor, and such number of watchmen without pay, as said board shall deem expedient. In time of special emergency, or apprehended danger from riot or other cause of alarm, said board may appoint as many patrolmen, with or without compensation, as they may deem expedient. They shall also appoint a keeper of the city prison or prisons. But no person shall be appointed to any position by said board who is not a citizen of the United States, and who has not resided in said city at least five years next preceding such appointment.

Special
emergency.

Entire con-
trol of police
force.

SEC. 4. Said board shall assume and exercise the entire control of the police force of said city and shall possess full power and authority over the police organization, government, appointment and discipline within said city. It shall have custody and control of all public property, books, records and equipments belonging to the police department. Said board shall have charge of the altering and repairing of all police stations and police barns and all sidewalks, platforms and bridges adjacent thereto, when said work has first been duly authorized by the common council. Said board shall be empowered to make necessary purchases of horses and make all necessary repairs to apparatus to an amount not exceeding the amount appropriated for the several purposes.

Police, oath
of.

SEC. 5. Any member of the police force appointed by said board, shall, before entering upon the duties of his office, make and file with the clerk of said board, the official oath provided for in this act. After filing said official oath, the policemen so appointed shall possess all the common and statutory powers of constables and sheriff, except for the service of civil process, and conveying prisoners under sentence to any place in the city of Saginaw. They shall have the power to serve any subpoena, warrant, order, notice, paper or process issued or directed by any justice of the peace, judge, court or officer in criminal cases of the State of Michigan, in the execution of the laws of this State, for

Powers and
duties.

the prevention of crimes and punishment of offenders, or the police laws and regulations of the city or State, in any proceeding collateral to or connected with the execution of such general laws, police laws, ordinances and regulations in any part of this State without backing or endorsement from any other magistrate or officer of this State; they shall have the exclusive power, and it shall be their duty to serve all summons, subpoenas, warrants, commitments, orders, notices, papers, processes whatever, issued out of the recorder's court, or by the police court in all criminal cases, and in all civil cases wherein said city is a party to any proceedings, except as herein otherwise provided, and shall be detailed by the proper officer to attend, instead of the sheriff, deputy sheriff or constables, the said recorder's court and the police court, whenever said court is engaged in the trial of criminal cases, or civil cases wherein the said city is a party. For the time engaged in active service, each member so engaged shall be paid such salary as shall be recommended by the board and approved by the common council. Said board shall recommend annually, but the common council shall have the power to fix and shall fix the compensation of the chief of police and other appointees of said board, and all claims for the same and all accounts allowed by said board shall (except as provided in section eight of this title), when certified by the board, be submitted to the common council for allowance and payment in the same manner as other claims against the city.

SEC. 6. It shall be the duty of said board, and of the police force hereby constituted, at all times of the day and night, within the boundaries of the city of Saginaw, to preserve the public peace and prevent crimes, and arrest offenders; to protect rights of persons and property; to guard the public health; to preserve order; to enforce all the laws of the State, and all ordinances of the city, and all orders and resolutions of the common council of said city. The expense of any officer of said city in pursuing, apprehending, examining, trying and committing offenders against any law of this State, in said city, including the time spent in pursuit or apprehension, and of their confinement, shall be a claim of the city against the county of Saginaw and shall be audited and ordered paid by the board of auditors of the county of Saginaw, in the same manner as if such expenses had been incurred in any township of said county, and the clerk of the board of supervisors shall immediately, on the allowance of any such claim in favor of the city, notify the controller of the same, and the amount of such allowance. It shall be the duty of said board to remove nuisances existing in public streets, roads, places and highways; to report all defects in streets, sidewalks, bridges and other public places, leaks and defects in water pipes and sewers to the proper authorities; to provide a proper force at every public fire,

Salary.

Public peace.

Expenses of officer in pursuing offender.

Remove nuisances, etc.

Fires.

When may
pursue person
accused of
crime.

in order that thereby the firemen may be protected in the performance of their duties, and property preserved for the owners thereof; to protect strangers and travelers at steamboat and ship landings and railway stations; and generally to carry out and enforce all ordinances of the city and laws of the State. Whenever any crime shall have been committed in said city, and the person or persons accused or suspected of being guilty shall flee from justice, the said board of police commissioners may, at their discretion, authorize any person to pursue and arrest such accused or suspected person or persons, and bring them before the proper court for trial or examination.

Not to share
in fee, gift,
etc.

SEC. 7. No member of the board of police commissioners, or of the police force, shall receive or share under any pretense whatever, in any present, fee, gift or emolument for police service, other than the regular salary and pay, except by the unanimous consent of said board, and it shall be the duty of every member of said board, and of the police force, to return to the clerk of said board (to be disposed of as hereinafter provided) every present, fee, gift or emolument received by him; and all moneys and proceeds of property received from this source shall be disposed of by said board as if the same had been paid or given for extraordinary services, as prescribed hereafter in this title. Nor shall any member of said force receive or share in any fee, gift, emolument or reward from any person who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift or reward, in any case, from any attorney at law who may prosecute or defend any person arrested or prosecuted for any offense within the county of Saginaw, nor shall any member, either directly or indirectly, interest himself, or interfere in any manner whatever, in the employment or retainer of any attorney to aid in the defense of any person arrested or accused; and for any violation of either of the foregoing provisions, the member so offending shall be immediately removed from office.

Rewards,
fees, etc.,
credited to
general fund.

SEC. 8. All rewards, fees, proceeds of gifts or emoluments that may be allowed by the board of police commissioners to be paid or given for or on account of any extraordinary services of any member of the police force, unless otherwise appropriated by the board, and all moneys arising from the sale of unclaimed goods, or otherwise received by said board or member of said police force, shall be paid to the city treasurer and credited to the general fund of the city. The said board may, whenever they deem it necessary for the proper and efficient police regulations in said city, direct the city treasurer to transfer to the police fund and to pay out of said police fund, for the pursuit or arrest of fugitives from justice, such sums, and to such persons as they shall

Transfer to
police fund.

direct, upon orders drawn by the clerk of said board, and countersigned by the president thereof and the chief of police: Provided, The sum or sums so paid out shall not exceed Proviso. the sum of three hundred dollars. Said fund shall at all times be kept full, and said board shall not pay out any money for any other purpose.

SEC. 9. If any member of the force, or if any two or more householders shall report in writing, under his or their signatures to the chief of police of said city, that there are good grounds (which shall be stated in said report,) for believing any house, room or premises within said city, to be kept or used as a common gaming house, common gaming room or common-gaming premises for therein playing for wagers of money at any game of chance, or to be kept or used for lewd and obscene purpose and amusements, or the deposit and sale of lottery tickets or lottery policies, or as a cock pit, or for harboring criminals, or for concealing stolen property, or for carrying on any trade or occupation, or calling, practice or act prohibited by law, it shall be lawful for the said chief of police to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons there found offending against the law, or aiding or abetting in such offense, but none others, and seize all implements of gaming or lottery tickets or lottery policies, and convey any persons so arrested before a magistrate having jurisdiction in said city, and bring the articles so seized. It shall be the duty of the chief of police to cause such arrested person to be prosecuted vigorously, and if the magistrate shall find that the articles so seized were used, or intended to be used, in gaming or for any other unlawful purpose, he shall order the same to be destroyed. When may enter gaming houses, etc., make arrests, etc.

SEC. 10. No member of the police force, under penalty of forfeiting the pay which may be due him, shall withdraw or resign from the police force, unless he shall have given one week's notice thereof, in writing to the chief of police, and no person who shall withdraw or resign without giving such notice, or who shall have been removed from the police force for cause, shall be re-appointed by the board of police commissioners to any offices in the said police force, except on unanimous vote. When may destroy articles seized.

SEC. 11. All property or money seized by the members of the police force, on suspicion of having been feloniously obtained, or of being the proceeds of crime; also all property coming into possession of said police by finding or otherwise; and all moneys or other property taken by any member of said force from any intoxicated or insane person, or person otherwise incapable of taking care of himself, shall be forthwith delivered to the clerk of the police station, and by him registered in a book kept for that purpose, together with the name of the owner, if ascertained, time and place when and where found or taken, and the name of the officers by whom Penalty for resigning without giving notice.

Seizures by police.

When to post
notices de-
scribing
property.

Misdemeanor,
penalty for.

Moneys and
property,
how disposed
of.

Of intoxicated,
or insane
person.

Lost property.

What to re-
main in cus-
tody of clerk.

Proviso, as to
bond.

found or taken. And in the case of all money or property, or money seized upon suspicion of having been feloniously obtained, or being the proceeds of crime, the said clerk shall, within five days after seizure or finding of the same, post up at the police headquarters of said city a notice describing briefly the property seized or found and the date, place and circumstances of finding or seizing. And all such property and money shall be retained by said clerk, irrepleviable until disposed of as hereinafter provided. Any member of the said police force who shall neglect or refuse to deposit with the clerk of said police station the property taken or found, as hereinbefore provided, shall be guilty of a misdemeanor, and upon conviction fined a sum not less than the value of the property taken or found, not exceeding one thousand dollars and imprisonment not exceeding one year.

SEC. 12. The moneys and property seized, taken or found, under the provisions of section eleven, shall be disposed of as follows:

First, All money and property taken from an intoxicated or insane person, or person otherwise incapable at the time of taking care of himself, shall be restored to such person, or his proper legal representatives, as soon as the immediate necessity for such seizure on account of the intoxication or incapacity of such person has ceased;

Second, All lost property, the ownership of which may be unknown, shall remain in the hands of the clerk of said police station, until satisfactory proof under oath, by any claimant shall have been made and filed with said clerk, together with the bond hereinafter provided for;

Third, All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, shall remain in the custody of said clerk until such time as the person, from whom the same may have been taken, shall have been tried and said cause determined, and the court before which such person shall be tried shall have authority, upon a proper hearing of the accused, and of all other claimants to said property, to make such order for the restoration thereof as the proof respecting the ownership of said property may require.

If no order for the restoration thereof be made, said property within ten days after the acquittal of the person from whom the same may have been taken shall be restored to him: Provided, That any claimants of property or money whether lost or seized on suspicion of having been feloniously obtained, or of being the proceeds of crime, shall, before delivery to him of such property or money, execute and deliver a bond, with two good sufficient sureties, to be approved by the clerk of said police station and chief of police, with penalty double the amount or value of said property or money, running to the clerk of said board, or his successor in office, and conditioned that such claimant, to whom said

property or money shall be delivered, will, upon demand, restore the same or make payment of the full value thereof to the true owner of said money or property, who may at any time thereafter, by proper proceedings in any court of competent jurisdiction, establish his title thereto.

SEC. 13. In each year, at the June term of the recorder's court for the city of Saginaw, the clerk of said board shall present a petition praying that all such property and moneys as have remained in the hands of the clerk of the police station unclaimed for a period of six months or more preceding that date be condemned and sold and the proceeds thereof paid into the general fund. Upon filing such petition said court shall make an order, briefly describing the property, stating that application for condemnation and sale thereof has been made by the clerk of said board, and requiring all persons interested therein, by way of ownership or otherwise, to appear and show cause, if any there be, at a session of said court, to be therein designated, why such property should not be condemned and sold, and the proceeds thereof paid into said fund. Such order shall be published for a period of not less than one week in the official paper of said city, and at the time and place designated by the order of the courts and upon due proof of publication of said order, the court shall proceed, unless cause be shown to the contrary, to condemn and order sale of said property, and payment of the proceeds thereof into said fund, and shall, in and by the order, have power to direct the time and manner of sale. After the making of such sale, the clerk of said court, or the said city of Saginaw, shall not be required to answer in any form, or to any extent, to any person claiming ownership or right of possession to any of such property so condemned and sold, but such condemnation and sale shall bar all right of recovery thereof.

When condemned and sold.

Order of court to be published.

Sale to bar right of recovery.

SEC. 14. The board of police commissioners shall require and make suitable provisions concerning security to be entered into by the chief of police, the captain of police and the clerk of said police station, and said board in their discretion may require security from any member of the force, conditional for the performance of duty, involving the care and disposition of property.

Provisions concerning security.

SEC. 15. Any person who has no trade or occupation at which he or she actually labors, and has no visible means of support, or frequents houses of ill fame, or places where gaming for money is carried on, or any person who having been convicted and imprisoned for any offense by any court in this State, who has no trade or occupation at which he or she actually labors, or frequents houses of ill fame or gaming, or who shall be drunk or intoxicated, or who shall make, aid, countenance or assist in making any loud noise, riot or disturbance or improper diversion; or who shall use any indecent, criminal or insulting language; or who shall

Who deemed disorderly person.

be guilty of any indecent, vulgar or criminal conduct; or who shall collect in bodies or crowds, to the annoyance, hindrance or disturbance of citizens or travelers; and all persons who shall carry, conceal on or about their persons, any pistol, revolver, bowie knife, slung shot, billie, sand bag, false knuckles or other dangerous weapon; or who shall lie in wait, lurk or be concealed, with intent to do injury to any person or property; or who shall threaten to beat or kill another, or injure him in his person or property; or who shall contend with hot and angry words, to the disturbance of the good order and peace of said city, shall be deemed a disorderly person, and upon conviction thereof may be punished by a fine not exceeding one hundred dollars and the costs of prosecution; and in the imposition of any such fine or costs, the court may make a further sentence that in default of the payment thereof such offender be imprisoned in the city prison of said city, or the county jail of Saginaw county, for any period of time not exceeding ninety days, or the court may impose both such fine and costs and imprisonment, in the discretion of the court having jurisdiction thereof.

To detail
police at
request of
city attorney.

SEC. 16. It shall be the duty of the chief of police at the request of the city attorney to detail one or more policemen or detectives for services required in connection with the office of city attorney.

TITLE XXII.

BOARD OF REVIEW.

SECTION 1. When this act shall take effect, the term of office of each member of the present board of review of said city shall expire and the appointees then constituting said board shall cease to be members thereof unless thereafter re-appointed, as provided in this act. At the first regular meeting of the common council of the city of Saginaw, after this act takes effect, there shall be created and constituted a new board of review in and for said city, composed of five members who shall be appointed by the mayor of the city of Saginaw and confirmed by the common council of said city, and who shall be electors and tax payers of said city, no more than three of whom shall reside in any one taxing district, or belong to the same political party, and who shall hold their office until the first regular meeting of the common council of said city in January, nineteen hundred six, and until their successors have been appointed and confirmed. At the first regular meeting of the common council in January, nineteen hundred six, their successors in office shall likewise be appointed by the mayor of the city of Saginaw and confirmed by the common council of the city of Saginaw, one

Creation of
new board.

When suc-
cessors ap-
pointed, term
of office.

for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, and annually thereafter the mayor of the city of Saginaw shall appoint one member of said board and the common council shall confirm such appointment, for the term of five years.

SEC. 2. The first elector appointed and confirmed after this act shall take effect shall be the president of the board of review, for the year nineteen hundred five, and until his successor is appointed, and thereafter the member of said board who shall be chosen by its members shall be the president of the board, and the assessor shall act as the clerk of said board. The clerk of the city shall give notice of the time and place when and where said board of review will meet, and the length of time the same will remain in session for the review and correction of such assessment roll, by publication thereof in the official newspaper of the city, and by posting printed copies of the same in at least twenty public places in each ward of the city at least ten days prior to the time fixed for the commencement of its session. Said board shall thereupon proceed to fully review the annual assessment of the taxable property, real and personal, of said city, made by the assessor, and by him to be submitted to said board. The board shall have power, and it shall be their duty to so alter, amend and correct said assessment of persons and property on said roll as to equalize the same. They shall have the power to add to said assessment roll any person or property which may have been omitted therefrom, and to strike from said roll any property or person not subject to taxation: Provided, That no assessment shall be increased, nor person or property added to said roll, except upon notice to the person to be affected thereby, served in the case of a resident of the city, personally, or by leaving the same at his usual place of abode, twenty-four hours before any action is taken by the board in respect to such assessment. And in the case of a non-resident, by one publication in any daily newspaper published in said city. Said board shall keep a record of their proceedings, and no assessment shall be made or changed, except by a majority vote of said board, taken by ayes and nays, and entered at large upon the record.

SEC. 3. The said board shall continue in session from day to day, Sundays excepted, to and including the second Monday in May, from nine o'clock in the forenoon to twelve o'clock noon, at the office of the city assessor, when and where any person desiring to do so, can examine his or her assessment on said roll, and may show cause, if any, why the valuation should be changed. The board shall decide the same, and their decision shall be final, unless the person affected thereby shall within forty-eight hours after such decision, make and file with the city clerk his appeal therefrom

President
and clerk.

Notice of
meeting.

To review.

Equalize.

Add to, or
strike from.

Proviso,
notice to
person
affected.

Record, what
to contain.

When in
session.

Decision and
right of
appeal.

to the common council, in writing, and state specially the grounds of appeal.

Duty of board.

SEC. 4. It shall be the duty of said board, in order to familiarize themselves fully with the methods pursued in the making of said assessment roll, and with the valuation of all the respective lots and parcels of land embraced therein, to personally examine, as far as practicable, all the property described in said roll, with the value of which they are not already acquainted, and to this end, the afternoon of each day while the board shall remain in session, shall be spent in the examination of property and the detail work of correcting and equalizing the assessments in said roll, and may appoint committees from their own members, for the purpose of examining property described in such roll.

To be certified and approved.

SEC. 5. When the board shall have completed their review of said assessment roll, a majority of said board shall endorse upon each book thereof and sign a statement to the effect that the same is the assessment roll for the ward for which it is made, as approved by the board of review. Said assessment roll so approved and certified shall thereupon be delivered to the assessor of said city. And the assessor shall on the third Monday in May, submit the said assessment roll so corrected and certified to the common council of said city; and the common council shall at the same time or an adjourned session, proceed to consider the special appeal, if any, taken from the action of the board of assessment and review, and decide the same in a summary manner, correcting any errors that they may discover in the assessment, and on or before the fourth Monday in May, fully and finally confirm said assessment roll, and thereupon cause it with the record of their action thereon, to be returned to the city assessor. The city assessor shall thereupon proceed to ratably assess thereon in dollars and cents the amount of all taxes and assessments authorized to be assessed and collected in said city to each person named or lot described upon said assessment roll, showing in separate column the city taxes, school tax and assessments, assessed to each person or lot, and when said roll has been completed, footed and balanced, the assessor shall, on or before the last Monday in June, make a copy of said assessment roll as completed. The same to be divided into separate books, one for each ward, which shall be known as the city tax roll, and the city assessor shall deliver the said tax roll to the controller, who shall make entry of the same and of all taxes assessed thereon on the books of said office, and the said controller shall on or before the first Monday in July, deposit said tax roll with the city treasurer and take his receipt therefor and charge him therewith.

When assessor to submit roll to common council. Final confirmation.

Completion of roll and copy.

When controller to deposit tax roll with treasurer.

Warrant, when annexed.

SEC. 6. Before the controller delivers said tax roll to the treasurer, a warrant shall be issued and annexed to each of said tax rolls, signed by the controller under the corporate seal of said city, directed to the treasurer, commanding and

authorizing him to collect from the persons named in each of said tax rolls the taxes and assessments therein set forth, due from such person and unpaid on the first Monday in November next, together with interest at the rate of one per cent per month, from and after the first day of the preceding August, for the benefit of the said city, together with such collection fee as the common council may by resolution or ordinance prescribe, not exceeding three per cent, and for such purpose, if necessary, to levy upon and sell the personal property of any person or persons named in said roll, refusing or neglecting to pay the same, wherever such personal property may be found within the limits of the county of Saginaw, which warrant shall be returnable on the first day of March next ensuing: Provided, That if at any time after the first day of July, and before the first day of November next ensuing, the city treasurer shall become apprehensive of the loss of any personal tax on said roll, if the collection thereof be delayed until the first Monday in November, he may proceed to enforce its collection at any time, by distress and sale of the property of the person against whom such tax is assessed, or he may bring suit for collection of such tax, and if compelled to seize property or bring suit, he may add to such tax two and one-half per cent for collection fees.

One per cent
per month.

Proviso,
when two
and one-half
per cent
added.

SEC. 7. Upon the receipt of the tax roll by the treasurer, as hereinbefore provided, the taxes thereon shall become and be due and payable, and the treasurer shall forthwith, upon receipt of the said tax roll, give notice by publishing for three successive days in one or more newspapers printed and circulated in said city, and by posting the same in at least six public places in each ward of said city, that the general city tax roll has been deposited with him for collection, and that payment of the taxes therein specified may be made to him without addition to taxes paid before the first day of August then following, but that an addition of one per cent upon all unpaid taxes will be made thereto on that day, and a like addition of one per cent will be made for each month thereafter, until the first day of March next following; and that the payment of all taxes remaining unpaid on the first Monday of November, will be enforced by levy and sale of any personal property, which may be found in said county of Saginaw, belonging to the person against whom such tax is assessed, which notice shall be a sufficient demand for the payment of all taxes upon said roll. Upon the receipt of any tax, the treasurer shall mark the same paid upon the proper roll, adding after the word "paid," the day and month when paid, but it shall not be necessary in the receipt for the taxes, unless demanded, to state all the several taxes in detail, but it shall be sufficient to state the total thereof, and one per cent of any total represented by the several taxes upon the roll, with interest and charges, if any.

Notice of
time when
taxes become
due and
payable.

Levy and
sale of per-
sonal prop-
erty.

Duty of
treasurer on
receipt of
tax, what
necessary in
receipt.

SEC. 8. By virtue of the warrant by this act authorized to be issued by the controller, the city treasurer shall have

Power by
virtue of
warrant.

power, and it shall be his duty to diligently search for and levy upon the personal property of persons from whom such taxes may be due, wherever the same may be found within the limits of Saginaw county, and he shall have the same powers in respect to the seizure and sale of property and all other proceedings, to enforce the collection of the taxes upon his roll as are now, or may at any time hereafter, be conferred upon township treasurers by the general laws of this State.

Tax, a charge against person to whom assessed.

Respecting return and sale of property.

County treasurer to turn over amounts received from delinquent taxes.

When controller to transfer by deed of release.

SEC. 9. Every assessment or tax levied or imposed by the authority of the common council, or of this act, except when otherwise provided, shall constitute a charge against the person to whom assessed, from the date of the delivery of the tax roll to the city treasurer, and shall, together with all interest and charges, become and remain, until paid, a lien upon the lands and tenements against which the same is assessed, from the date of such delivery, and all personal taxes so levied or imposed, shall also be a lien on all personal property of such person so assessed, from and after the delivery of said tax roll to said city treasurer, and shall take precedence of any sale, assignment or chattel mortgage, levy or lien, on such personal property, executed or made thereafter, except when such property is actually sold in the regular course of trade. All proceedings for the levy and assessment of said taxes shall be presumed to be regular and valid. All provisions of law respecting the return and sale of property for the non-payment of taxes, for State, county and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes, including all taxes carried into said city tax roll from any special assessment roll, except as herein otherwise provided. The county treasurer of Saginaw county shall, on demand and as fast as the same are received, pay over to said city, the full amount of all city taxes returned delinquent for non-payment, received by such county treasurer, together with the interest and all the collection fee thereon, and he shall also, as soon as the same are received by the county, pay over unto said city the net proceeds of the sale of all property so returned delinquent for the non-payment of city taxes of said city, or of the former cities of Saginaw and East Saginaw.

SEC. 10. The controller of said city is hereby authorized by proper deed of release, to sell, assign and transfer to any person or persons who shall pay the city treasurer the amount for which the same was sold, together with interest thereon, all the claims which the cities of Saginaw or East Saginaw have acquired in and to any lands heretofore bid in for either of said cities under the provisions of the several charters thereof, or any laws of this State, and which have not been redeemed by the owner or other persons interested therein, and all proceeds of such sale shall be credited by the treas-

urer to the proper fund of the taxing district wherein such lands are situated.

SEC. 11. The controller shall also have the authority and it shall be his duty, to execute and deliver to any person, his heirs or assigns, on the presentation of the proper certificate, a deed of conveyance of any lot or parcel of land described in said certificate, which shall heretofore have been bid off by said person at any sale for delinquent taxes held by the village of South Saginaw, and such deed or conveyance shall have the same force and effect as it would have had if executed by the proper officers of said village.

Duty of controller to execute deed of conveyance.

SEC. 12. Whenever any general tax, either State, county or city, shall be held invalid by any court of competent jurisdiction, it shall be the duty of the city assessor, when notified of said fact by the common council, to reassess the same in the assessment roll, if a city tax; and if a State or county tax, then in the State and county assessment roll. Said reassessment shall be made in the same manner as original assessments are made, except that the reassessment so made shall be kept separate from the general assessment, and shall be marked "Reassessed," in said assessment and tax roll. If a personal tax, it shall be assessed as personal; and if real estate, then it shall be reassessed to the real estate upon which the original assessment was made; and if said reassessment is made, the lien shall continue upon said property the same as if said tax had not been set aside.

When any general tax held invalid.

Reassessment.

SEC. 13. For public improvements and public buildings in said city other than the city hall, the common council may, if thereto authorized by a vote of the tax payers of said city, as provided in section two, title seven, borrow, on the faith of the city, a sum not exceeding one hundred thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding six per cent per annum, payable semi-annually, and for that purpose may issue bonds of the city, signed by the mayor and controller, and countersigned by the clerk, and in such forms and sums not exceeding in the aggregate, the said sum of one hundred thousand dollars, as the said common council shall direct, and such bonds shall be disposed of under the direction of the common council of said city, upon such terms as they shall deem advisable, but not for less than their par value, and the avails thereof shall be applied only for the purpose of public improvement, and building school houses and other public buildings in said city.

Amount may bond for public improvements, etc.

SEC. 14. It shall not be lawful for the common council, except as herein otherwise provided, to borrow any money, or authorize the creation of any liability or indebtedness against said city in any one year exceeding in the aggregate the amount which by this act may be raised by tax for such year, and in case any sum or sums of money shall be borrowed by said common council, in any one year, or the said

Limit of liability common council may authorize.

common council; or any officer thereof, shall enter into any contract for the payment of money binding upon said city, the same shall be paid out of the sum raised by tax for such year, if the payment thereof is not otherwise provided; and all sums of money borrowed by said city shall be applied to the purposes for which the same are borrowed, and for no other purpose whatsoever.

Property
exempt from
taxation.

SEC. 15. No real or personal property which shall be exempt from taxation by the general laws of this State, nor any public square, park, or other public grounds or buildings, shall be assessed for the ordinary city, State and county taxes.

Certain funds
to be se-
curely in-
vested.

SEC. 16. The fund raised for the payment of the principal of the funded debt when due, and such other sums as the treasurer is by this act required to credit to the sinking fund (except those raised for the payment of the interest of the funded debt) shall be securely invested by the treasurer with the advice and written consent of the mayor and controller, in the bonds of the United States, the State of Michigan, or of the city of Saginaw.

How money
drawn from
city treasury.

SEC. 17. No money shall be drawn from the city treasury, unless it shall have been previously appropriated to the purpose for which it shall be drawn, and all ordinances, resolutions and orders, directing the payment of money shall specify the object and purpose of such payment, which shall be certified by the clerk and countersigned by the controller, before the same shall be paid by the treasurer.

Payment of
claims
against
corporation.

SEC. 18. The common council shall possess the exclusive power to appropriate moneys and authorize the payment of claims and amounts chargeable against said corporation; but no unliquidated amount or claim shall be allowed or received for audit by the common council or controller, unless it be accompanied by the affidavit of the person rendering it, or some person acquainted with the facts, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered to the city; that the sums charged therefor are reasonable and just; and that, to the best of his knowledge and belief, no setoff exists nor payment has been made on account thereof, except such as are included or referred to such account or claim. It shall be sufficient bar or answer to any action or proceeding in any court for the collection of any demand or claim against said city, that it has never been presented to the controller or common council for audit and allowance; or if so presented, was rejected for want of such affidavit, or that the action or proceeding was brought before the common council had a reasonable time to investigate and pass upon it. All amounts due upon contracts shall be audited according to the terms thereof, without unreasonable delay, but on the final settlement thereon, the contractor may be required to make the affidavit herein provided for, as in the case of other accounts.

What
sufficient bar
to action for
collection for
claim, etc.

SEC. 19. The common council may, whenever thereto authorized by vote of the electors of the city, as provided in section two of title seven, levy such tax in any one year or succession of years, as the electors of said city shall authorize, for the purpose of constructing a prison or workhouse, almshouse, bridge or bridges across the Saginaw river.

When may levy tax for construction of prison, almshouse, bridge.

SEC. 20. The common council is hereby authorized to issue the bonds of said city to the amount of one hundred twenty-five thousand dollars, for the purpose of raising money, first, to construct a bridge across the Saginaw river and the Emerson bayou, east from Court street, and to procure the right of way thereof; and also for the construction of a bridge across said river at such point south of the south line of section twenty-six in said city as the common council may deem proper, and to procure the right of way therefor; and also for the construction of a bridge across said river at such point in the first ward of the city as the common council may deem proper and to procure the right of way therefor.

Purposes for which council may issue bonds.

TITLE XXIII.

BOARD OF ESTIMATES.

SECTION 1. When this act shall take effect, the term of office of each member of the present board of estimates of the city shall expire, and the appointees then constituting said board shall cease to be members thereof, unless thereafter reappointed as provided in this act. At the first regular meeting of the common council of the city of Saginaw, after this act takes effect, there shall be created and constituted a new board of estimates in and for said city composed of five members who shall be appointed by the mayor of the city of Saginaw and confirmed by the common council of said city, and who shall be electors of said city, no more than three of whom shall reside in any one taxing district, or belong to the same political party, and who shall hold their office until the first regular meeting of the common council of said city in January, nineteen hundred six, and until their successors have been appointed and confirmed. At the first regular meeting of the common council in January, nineteen hundred six, their successors in office shall likewise be appointed by the mayor of the city of Saginaw, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, and annually thereafter the mayor of the city of Saginaw shall appoint one member of the board of estimates, and the common council shall confirm such appointment of such elector for the term of five years, and said electors shall constitute the board of estimates of the city of Saginaw. The members elected under this act shall, within ten days after their election, or such further time

Creation of new board.

When and how successors appointed; term of office.

When to meet and organize.

President
pro tem.

Meetings,
when held.

as the common council may fix, meet and organize such board of estimates, by the election of one of its members president. If he is absent or incapacitated from performing his duties, the board shall appoint a president pro tempore. The city clerk shall keep a record of its proceedings. The meetings of said board shall be held in a suitable room in the city hall, to be provided by the common council. If no provision is made they shall be held in the common council chamber. Said boards shall meet annually on the first Monday in May, at ten o'clock in the forenoon, and other meetings shall be held on call of the president, or on written notice of a majority of the members of said board delivered to the clerk. The board may adjourn from time to time, and in case no quorum shall be present at the appointed time of meeting, those present shall adjourn such meeting to some future time, and from time to time until the business referred to it by the common council is disposed of, and it shall not be necessary, after the common council has referred to the board of estimates any resolution or proceedings which, under the charter is required to be referred to said board, to again call a meeting of said board of estimates, but it shall dispose of such matters without further call from the common council. The board shall have the right to call upon the common council, or upon any officers of boards of the corporation, for any information which it may require, or for further reports for the purpose of estimating any amount to be raised, or in reference to any other matter pending before such board. And such board or officer shall furnish the same as soon as possible after such request. It shall also have the right to inspect the official books and papers of said officers or boards.

What to be
submitted to
board for
approval.

Estimates
for general
city taxes,
etc., when
submitted.

Duties of
board.

SEC. 2. Before any money shall be raised, or taxes levied and collected, for the purpose of the several funds mentioned in the charter of the city of Saginaw, or for school purposes in said city, the estimates of the common council, the board of education and the union school district, of the amount of moneys required for such fund or purposes, shall be submitted to said board of estimates for approval, and before any bonds or other evidences of indebtedness shall be issued by the city or any board thereof, said issue shall be approved by said board of estimates, unless they have been authorized by vote of the people, as provided in said charter. The estimates for the general city taxes shall be acted upon by the common council as provided by the charter, and shall be submitted to the board of estimates on the first Monday in May, at which time the board of education and union school district shall each submit to said board its estimates for school purposes, to be considered by the board and reported by it to the common council on or before the third Monday of May. The said board shall carefully consider all estimates required by this act to be submitted to it, of moneys to be

raised as aforesaid and shall approve or disapprove of the same. It may decrease the amount to be raised, but shall not increase the same. The said board shall have the power and it shall be its duty, after careful consideration of the various estimates referred to, if it shall deem it advisable so to do, to disallow any item, items, or parts of items in the different funds as well as in the gross amounts thereof, as said board may deem advisable. It shall be unlawful for the common council of said city to create any expenditure or expend any moneys as to items specifically disallowed and disapproved by said board of estimates; and said board may approve, subject to the conditions of this act, the sale of bonds of said city, or boards thereof, when thereto authorized by law. The majority of all members of said board shall be required to approve of any such estimates for the raising of taxes, or any part thereof, or for authorizing the issue of said bonds or other evidences of indebtedness against said city, except when the same are authorized by a vote of the tax paying electors of said city, as provided by its charter.

Majority
required.

SEC. 3. All votes of said board approving or disapproving of any estimates, or decreasing the amount thereof, or the authorizing or disapproving the issuing of bonds, shall be taken by ayes and nays, and entered upon the record of its proceedings. After the said board shall have considered the said matters required to be submitted to it, it shall cause a statement of the amounts approved by it to be raised by taxation or issue of bonds, and the fund or purpose for which it is raised to be made, which statement being adopted by a majority of the members elect of the board, shall be then signed by the president and clerk of the board, and shall be transmitted to the common council, and only so much of such estimate or amounts to be raised by taxation as shall have been approved by said board, shall be raised and collected in said city, and only such bonds and other evidences of indebtedness against said city shall be issued as shall be authorized by said board as herein provided, or as shall have been authorized by a vote of the people of the city, or the taxing district affected thereby, in accordance with the provisions of the charter of said city. The common council of said city, upon the approval of said estimates, or any part thereof, by said board, may cause to be levied and collected by general taxes the amount thereof so approved, in the manner in this charter provided, and may issue any bonds so authorized to be issued by said board as aforesaid: Provided, The amount approved by said board of estimates for school purposes, for interest and sinking fund, or for the purpose of paying the street improvement and sewer bonds and the interest thereon, as provided in section twenty-one, title eight, and section thirteen, title nine, of said charter, shall be levied in full.

Vote, how
taken.

Statement
to be made;
what to
contain.

Proviso.

Schools,
eastern taxing
district.

SEC. 4. No money shall be raised by taxation in the eastern taxing district of said city for school purposes as provided in sections ten and eleven of an act, entitled "An act to amend and revise act number four hundred twenty of the local acts of one thousand eight hundred eighty-one, entitled 'An act to revise an act entitled an act to incorporate the board of education of the city of East Saginaw,' approved June seven, one thousand eight hundred eighty-one, as amended by act three hundred thirteen of the local acts of one thousand eight hundred eighty-five, approved April two, one thousand eight hundred eighty-five, and as further amended by act four hundred fifty-eight of the local acts of one thousand eight hundred eighty-nine, approved June twenty-nine, one thousand eight hundred eighty-nine, and to change the name of said board from 'The Board of Education of the City of East Saginaw' to 'The Board of Education of the City of Saginaw, east side,'" approved April thirty, one thousand eight hundred ninety-five, until the estimates thereof shall have been submitted to the board of estimates, and the same have been approved and certified to by said board as in this title provided. All the provisions of this title shall apply to the estimates for school purposes and money and funds to be raised therefor in like manner and with the same force and effect as it applies to other funds and estimates therefor, to be raised or borrowed for any purpose by said city or any board thereof. The provisions of this act shall apply to the estimates for school purposes in said eastern taxing district for the year nineteen hundred five and all subsequent years.

Act, where
to apply.

TITLE XXIV.

MISCELLANEOUS.

Sureties.

SECTION 1. The common council, mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties upon an official bond, shall require such sureties to make and attach to such bond an affidavit stating the amount and value of the property over and above debts and exemptions, owned within this State by such surety, and surety companies authorized to do business in the State of Michigan, may become surety on any bond.

When mayor
or chairman
may admin-
ister oath,
etc.

SEC. 2. The mayor or chairman of any committee or special committee of the common council, shall have power to administer any oath or take any affidavit, in respect to any matter pending before the common council or such committee.

What deemed
perjury.

SEC. 3. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement

or affidavit or otherwise, wilfully swear falsely as to any material fact or matter, shall be guilty of perjury.

SEC. 4. No plat of land within the limits of the city of Saginaw, executed as a sub-division thereof or addition to said city, for the purpose of being recorded in the office of the register of deeds, shall be entitled to record without the approval of the common council, and a certificate that has been so approved, endorsed thereon by the city clerk under the corporate seal of said city. Any person who shall record or offer for record any such plat, without a certificate of the clerk endorsed thereon as above provided, or who shall sell or offer for sale any lot, by reference to such plat, before the same has been approved by the common council as above provided, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail of Saginaw county not exceeding ninety days, or both such fine and imprisonment, in the discretion of the court.

Not entitled to record without approval and certificate.

Misdemeanor, penalty for.

SEC. 5. All proceedings to raise, assess, levy or collect taxes, either general or special now pending, and generally all municipal business of every description, shall be carried forward and completed under the provisions hereof when practicable to do so, but if not practicable, may be carried forward and completed pursuant to the provisions of the charter or laws under which the same were first authorized or instituted.

Proceedings now pending, how carried forward and completed.

SEC. 6. Proof of the requisite publication of any ordinance, resolution or other proceeding required to be published in any newspaper, by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the clerk of said city, or any other competent proof shall in all courts and places, be presumptive evidence of the legal publication of such ordinance, resolution or other proceeding.

Proof of publication.

SEC. 7. The style of all ordinances of said city shall be as follows: "Be it ordained by the common council of the city of Saginaw."

Style of ordinances.

SEC. 8. The common council shall not grant any special franchise, on any of the streets of said city, until the same has been advertised for sealed proposals, nor for a longer term than thirty years, nor grant exclusive privileges to the use of the streets, sidewalks or public grounds of said city. And the common council shall have power to prescribe rates of specific taxation for all franchises or privileges granted by said common council, and the manner of collection of such specific taxes.

Special franchises, etc.

Rates, specific taxation.

SEC. 9. The common council shall have power, whenever it shall appear that any taxes or assessments have been improperly or illegally made, assessed or collected, by a two-thirds vote of all the members elected, to cause such assessment or tax to be remitted or refunded, but no such action

When assessment, etc., may be remitted or refunded.

on the part of the council shall in any way affect or invalidate any other tax or assessment assessed, levied or collected in said city.

Fiscal year,
defined.

SEC. 10. The fiscal year of said city shall commence on the first day of July of each year, and all annual reports required by this act to be made, shall include all transactions of said city up to and including the last day of June in each year.

Official copy
of acts and
ordinances.

SEC. 11. The common council of said city shall, and as often as they shall deem expedient, cause all the acts and parts of acts of incorporation of said city that may be in force including such general laws as they may deem necessary for the use of the mayor, aldermen or other officers thereof, together with all ordinances of said city, revised and corrected so as to conform to the provisions of said acts and properly arranged and indexed, to be published in book form and properly certified to by the clerk thereof, and when so compiled and published, the same shall be considered the official copy of all said acts and ordinances. Each officer of said city shall be entitled to use a copy by virtue of his office, and the council may authorize the sale of copies thereof to reimburse the city for the expense of compiling and publishing the same.

Use and sale
of copies

Sale of meat
on Sunday.

SEC. 12. No person shall keep open any butcher shop, sell or dispose of any meats, within the corporate limits of the city of Saginaw on the first day of the week, commonly called Sunday. Every person offending against the provisions of the foregoing section shall upon conviction thereof be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Penalty.

Ordinance,
what to
prescribe

SEC. 13. All punishment of offenses against the ordinances of the common council, shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty or forfeiture shall exceed one hundred dollars, and no fine shall exceed one hundred dollars, and no imprisonment shall exceed a period of ninety days.

Official
newspaper.

SEC. 14. The newspaper published in said city of Saginaw which shall be designated by the common council to publish the official proceedings of said common council shall be the official paper of said city during the time in which it shall continue by order of said council to publish such proceedings: Provided, That the compensation paid for printing shall not exceed the following prices, viz: Proceedings common council, and all boards, eighty cents per thousand ems printer's measure. Slips as follows: Common council proceedings, two hundred copies, five dollars per meeting. Proceedings of all boards, one hundred copies, two dollars per meeting. Extra slips at same rates. All to be paged and ready for binding, including three copies

Proviso,
compensation.

on extra heavy paper for official record. Slips of ordinances, contracts, etc., at one dollar per hundred; legal and other notices, seventy cents per folio for first insertion, thirty-five cents per folio for subsequent insertions. This does not include notices which on the order of any city official are to be published among pure matter in regular reading columns. When the proceedings of the common council or any one of the boards mentioned above at any one meeting shall exceed in length six columns of twenty inches in length, the publisher of the paper shall be allowed to publish the amount in excess of six columns in the next succeeding issue: And provided further, That the said common council proceedings or a synopsis thereof shall not at public expense, be ordered published in other than the official paper.

Notices, not included.

Further proviso, council proceedings.

SEC. 15. The union school district of the city of Saginaw shall continue as now organized and shall retain in all respects its powers, property, system of officers and mode of elections and shall bear and pay its indebtedness and expenses in the same manner as prior to the passage of this act: Provided, That the statements of the sums voted by the board of trustees of said district or by the electors of said district at any district meeting or meetings, shall be transmitted by the secretary of said board to the board of estimates of said city on or before the first Monday of May in each year, and it shall be the duty of the assessor to apportion and assess so much of the sum or sums so voted to be raised as may be approved by the board of estimates and certified to him from the common council upon the taxable property in the western taxing district of said city according to the valuation of the taxable property therein in the first general tax roll thereafter made. The assessment of such tax shall be in a separate column in said tax roll and the same shall be collected at the same time and shall be and remain a lien on the property on which the same is levied; and the treasurer of said city shall have the same authority and may resort to the same mode of proceedings by virtue of said roll and the warrant annexed thereto, to collect the same as the other taxes therein contained.

To continue as now organized.

Proviso, board of estimates.

Tax to be in separate column.

SEC. 16. The amounts authorized to be raised by tax for school purposes by the board of education of the city of Saginaw, east side, as at present constituted, shall be transmitted by the secretary of said board to the board of estimates of said city on or before the first Monday of May of each year, and it shall be the duty of the assessor to apportion so much of the sum or sums so authorized to be raised as may be approved by the board of estimates and certified to him from the common council, and he shall assess the same in the same manner required by this charter upon the twelve wards constituting the eastern taxing district thereof and the same proceedings shall be taken for the assessment and

School tax, "east side."

collection of all the taxes spread for such school purposes, as herein provided for the assessment and collection of the general city tax proper, and when collected the same shall be paid into a separate fund, to be denominated the "School Fund of the Eastern Taxing District," and the same shall be held by the treasurer, subject exclusively to the order of said board of education.

Bonds for
court house,
how paid

SEC. 17. The present city of Saginaw shall assume and shall pay by general taxation upon the whole city, the bonds heretofore issued by the former city of Saginaw for the purpose of constructing or aiding in the construction of the Saginaw county court house, and such bonds are hereby made a charge upon the said consolidated city with the same force and effect as if the same had been issued by said city, and payment thereof shall be made, both principal and interest, as the same shall become due in the same manner as if said bonds had been issued by said city. And said city shall have the power to issue bonds in the place thereof for the purpose of retiring the same.

Political
form of
boards.

SEC. 18. The appointment of the members of all boards shall be so made that the members thereof shall not be of one political party, and both taxing districts shall at all times be represented on said board by one or more members residents within such taxing district.

What not
affected by
this act.

SEC. 19. This act shall not affect the corporate existence, property or powers of the board of education of the city of Saginaw, east side, nor of the union school district of the city of Saginaw, except as herein otherwise expressly provided.

Present
officers, tenure
of office.

SEC. 20. Until the appointment and qualification of the several officers and members of the various public boards which under this act are appointed or elected by the mayor or common council, the several officers of the city of Saginaw shall continue in office, but immediately on qualification of the officers herein specified, the terms of their offices shall be wholly at an end, and all books, papers, records and property of every description appertaining to such offices and boards shall be forthwith turned over to the custody and control of the officers and boards elected or appointed under this act.

Union label.

SEC. 21. All printed work done for the city, excepting government stamped envelopes, shall have the "Union label," so called, of the typographical union thereon. The failure to have said label on printed work shall be a sufficient cause for the non-acceptance thereof by said city.

Legal day's
work on pub-
lic work.

SEC. 22. The common council shall have the power to fix and determine by ordinance what shall constitute a legal day's work on all public work done either directly or by contract, for the city, and said common council shall have the power to fix a punishment for a violation thereof.

SEC. 23. No action shall hereafter be brought against the city or any of its boards or officers for any injury alleged as the result of any negligence on the part of the city or any board or officer thereof, unless the person injured shall serve or cause to be served within sixty days after such injury shall have occurred, a notice in writing on the common council of said city, which notice shall set forth substantially the time when and the place where such injury took place, the manner in which it occurred and the extent of such injury, as far as the same has become known, and that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. All facts relating to such personal injuries shall be set forth in an affidavit made by claimant. Such affidavit shall also state the names and addresses of all claimant's witnesses, the name of the attending physician, if any, the amount of money, if any, expended for medical attendance, the loss of time and value thereof, and shall fully describe the nature and extent of the injury received, and the amount of compensation claimed by reason of such damage or injury. All claims for damages against the city growing out of negligence or default of said city, or of any officer or employee thereof, shall be presented in the manner above provided within sixty days after such damage has been sustained or received, and, in default thereof, shall be thereafter forever barred. No action shall be maintained in any case unless the same be brought within one year after such injury shall be received.

Notice of
action for
damages to be
given.

Personal
injuries.

Affidavit
what to
contain.

Claims for
damages,
when barred.

SEC. 24. No civil action shall be maintained against the city for damages or injuries to persons or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructive, unless it appear that written notice of the particular defective, unsafe, dangerous or obstructed condition of such street, highway, bridge, culvert, sidewalk or crosswalk was actually given to the board of public works; and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. All actions against the city of Saginaw shall be commenced in and trial had in the circuit court for the county of Saginaw.

When civil
action for
damages may
be main-
tained

Where actions
commenced.

SEC. 25. Whenever the city of Saginaw shall take any proceeding wherein, by the statutes of the State a bond is required to be given, or shall be a party to any suit or proceeding in any court, or an appellant from any judgment or final order of a court wherein by the statutes of the State, or the rules and practice of the court where such suit or proceeding is to be commenced or is pending, or shall be sought to be taken, a bond is required to be given, such statutes or such rules and practice of the court, shall not apply to the said city, but such proceedings may be taken

City not
required to
furnish bond.

	or such proceeding or suit brought in any court or appeal be taken from such final judgment or order, by said city without such bond being entered into by it.
Bonds, etc., exempt from taxation.	SEC. 26. All bonds, securities or evidences of indebtedness hereafter issued by the city of Saginaw or any of its boards or districts shall be exempted from all municipal or other tax under the laws of this State.
To continue in office until successors are elected, etc.	SEC. 27. All officers and appointees elected, appointed or confirmed under the former charter, (unless resigned, dismissed or removed) shall continue in office as provided in this act until their successors are elected, appointed or confirmed and have qualified as herein provided, and all officers and appointees elected, appointed or confirmed under this act unless removed or dismissed as herein provided, shall continue in office until their successors are elected, appointed, or confirmed and qualified.
Creating liability against city.	SEC. 28. No public board of said city, its agents or officers, shall create or incur any liability against the city unless authorized so to do by the common council, except as otherwise provided in this act.
Recorder to take and file oath.	SEC. 29. The recorder shall take and file an oath of office with the county clerk of the county of Saginaw within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city shall, within five days after receiving notice of their election or appointment take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the city clerk.
When other officers to take and file oath.	
Who to be electors	SEC. 30. The inhabitants of the city, having the qualifications of electors under the constitution of the State and no others, shall be electors therein, and every elector shall vote in the ward or election district where he shall have resided during the twenty days next preceding the day of election. The residence of any elector not being a householder, shall be deemed to be in the ward or election district in which is located his regular place of lodging.
Residence, what deemed.	
Resignations.	SEC. 31. Resignations of officers shall be made to the council.
When office vacated.	SEC. 32. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.
Vacancies.	SEC. 33. Whenever a vacancy shall occur in any appointive office, under the provisions of this act, or in any office elective by the aldermen elect of the common council under such provisions, the same shall be filled in manner provided for in the three following sections.
Requiring nomination and confirmation.	SEC. 34. In case a vacancy shall occur in an office requiring a nomination and confirmation as aforesaid, such nomination shall be made by the mayor within a reasonable time

after such vacancy occurs, and in case a vacancy shall occur in an office, the incumbent of which was appointed by the mayor, his successor shall be appointed by him within a reasonable time thereafter.

SEC. 35. Whenever a vacancy shall occur in any office the incumbent of which was elected by the aldermen elect of the common council, his successor shall be elected by the aldermen elect within a reasonable time thereafter. When elected by aldermen elect.

SEC. 36. Whenever a vacancy shall occur in an office the incumbent of which was either nominated or appointed by the mayor or elected by the aldermen elect of the common council, the term of office of the successor thereto shall commence from the time of his acceptance thereof, and end at the expiration of the original term of office to which he succeeded. Term of office.

SEC. 37. Whenever an officer shall resign or be removed from office, or the term of which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office; and every person wilfully violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers may be proceeded against for the like offense, under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State. To deliver books, papers, etc., to successor. Penalty for violation.

SEC. 38. All the officers of the city of Saginaw elected or appointed under the provisions of the former charter of the city, and in office at the time this act takes effect, shall continue to exercise their respective functions under the provisions of this act for the full term for which they were so elected or appointed unless herein otherwise provided. To continue in office.

SEC. 39. The by-laws, ordinances of the city of Saginaw, and the rules and regulations of the common council of said city, and of the several public boards of said city heretofore in force and not inconsistent with this act, shall remain in force after the passage of this act, and are hereby declared to be reenacted by virtue of and under the powers conferred by this act, until altered, amended or repealed by the common council of the city of Saginaw, or said boards as the case may be. By-laws, etc., reenacted.

SEC. 40. Nothing in this act contained or omitted shall be construed to destroy, impair, change or modify any of the terms, conditions or provisions expressed in sections twenty-five, twenty-six, forty and forty-two of title seventeen of the former charter of the city of Saginaw, and the city of Saginaw, under the provisions of this act shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belonging to said city as formerly incorporated. Act, how construed.

This act not
to destroy,
etc., certain
rights of
charter re-
pealed.

SEC. 41. Nothing in this act contained shall be construed to destroy, impair or in any manner take away any vested right, right of action or remedy acquired or given by any of the provisions of the charter of the city hereby repealed, but the same shall be and remain as valid in every particular, as if said charter had remained in full force and effect and this act had not passed; and all causes of action arising under any such provisions are hereby expressly preserved intact. All proceedings, suits or prosecutions of whatever nature, civil or criminal, commenced under any of the provisions of such charter, shall be carried on and completed the same as if such charter was still in force and effect. All proceedings, assessments or suits of whatever nature to be commenced on account of any right or remedy arising under any of the provisions of such charter; and all prosecutions for any offense committed, or penalty or forfeiture incurred while such charter was in effect, may be commenced and enforced in the same manner in all respects and with the same effect, including any sentence thereunder, as if this act had not been passed, and such charter was still the charter of the city, and such charter shall govern as to such rights, remedies and all punishments thereunder.

Repealing
clause.

SEC. 42. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 25, 1905.

[No. 567.]

AN ACT to amend section four and section five of act number five hundred forty of the local acts of nineteen hundred three, entitled "An act to establish a board of county auditors for the county of Saginaw, and to prescribe their power and duties."

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Section four and section five of act number five hundred forty of the local acts of nineteen hundred three, entitled "An act to establish a board of county auditors for the county of Saginaw, and to prescribe their power and duties," are hereby amended so as to read as follows:

Auditors,
time of
meeting.

SEC. 4. Such board of county auditors shall meet for the transaction of business in the office of the clerk of the county of Saginaw, or in some convenient room in the court house of said county, after their appointment or election, on the second and fourth Wednesday of each month, and remain in session at each time for two days including the said Wednes-

day: Provided, That if any or either of said Wednesdays shall fall upon a legal holiday, said board shall meet upon Thursday immediately succeeding, and remain in session during Thursday and the succeeding Friday. At the first meeting of said board they shall organize by electing one of their number chairman of said board, who shall continue as such chairman during his said term of office. Any two members of said board shall constitute a quorum for the transaction of business. It is hereby made the duty of the county clerk, by himself or his deputy, to be in attendance during each of said meetings and be the clerk of said board without any compensation other than his regular salary. Said board shall have authority to call for persons and papers and the examination of witnesses relating to any claim pending against said county. Said board shall be in session from eight o'clock a. m. till twelve o'clock noon, and from one o'clock p. m. till five o'clock p. m. of each day's session.

Proviso.

Election of chairman.

County clerk to attend.

Board, powers and duties of.

SEC. 5. The members of said board of county auditors shall receive the sum of five dollars per day, while actually in session, and six cents per mile to and from their residence to the court house of said county; to be computed by the nearest traveled route.

Salary, etc.

This act is ordered to take immediate effect.

Approved May 25, 1905.

[No. 568.]

AN ACT to authorize the board of health of each township of the county of Kent to enlarge burying grounds in said townships, and to provide the manner of acquiring private property for such purpose.

The People of the State of Michigan enact:

SECTION 1. The board of health of any township in the county of Kent, whenever they deem it desirable and necessary, may enlarge the limits of any existing burying ground, and in case said board of health shall be unable to agree with the owner or owners of any land or any rights therein which said board of health desire to include within the limits of such burying ground as to compensation to be paid therefor, the said board of health may authorize one or more of its members to apply to the circuit judge or any circuit court commissioner of said county, or to any justice of the peace of such township for a jury of the freeholders of such township to ascertain and determine the just compensation to be made for the real estate required by said board of health for said burying ground, and the necessity for using the

May enlarge limits.

Compensation, how determined.

Application
in writing.

Condemnation
proceedings,
etc.

same; which application shall be in writing and shall describe the real estate required by said board as accurately as is required in the conveyance of real estate; the said board of health shall take the same proceedings for acquiring and condemning such land as is taken to acquire and condemn land for sites for schoolhouses, as provided in sections four thousand seven hundred twenty-eight to four thousand seven hundred forty-two inclusive, of the compiled laws of eighteen hundred ninety-seven, as amended by act one hundred eighty-two of the public acts of nineteen hundred three, approved June four, nineteen hundred three.

Approved May 25, 1905.

[No. 569.]

AN ACT to make townships and cities in Clare county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of said diseases, where said county is now primarily liable for said payment.

The People of the State of Michigan enact:

Liability of
townships in
Clare county.

SECTION 1. Hereafter, within the county of Clare, all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, when said county is now primarily liable for the payment of the same, shall be charged to and paid by the township or city in which the same are incurred, when audited by the township or city board, and shall be paid by said township or city, except as hereinafter specified.

Supervisors,
to audit
claims, etc.

SEC. 2. The board of supervisors of said county shall have power to audit and allow, and order paid by the county any and all claims incurred in the care of persons sick with contagious diseases or diseases dangerous to the public health or incurred in preventing the spread of such diseases, whenever, in the opinion of a majority of the entire members of said board, the township or city primarily liable claims, as provided in section one of this act, should be relieved in whole or part from the payment of same.

Powers of.

SEC. 3. The said board of supervisors of said county shall have full power to examine into the merits of all claims presented to them in accordance with section two of this act and upon such examination to allow or reject in whole or in part any such claim.

Approved May 25, 1905.

[No. 570.]

AN ACT to provide for the removal of obstructions and accumulations of snow from public highways in the county of Branch, in certain cases, and to provide for the payment of the expense of such removal heretofore or hereafter incurred.

The People of the State of Michigan enact:

SECTION 1. If, at any time after the rendering of the annual account required by overseers of highways in the county of Branch, and before the township meeting following next thereafter, it shall be necessary to remove obstructions, or accumulations of snow from the highway, or to repair culverts or bridges injured by freshets or otherwise, or to protect the highway or any such culverts or bridges from injury in any road district, the proper overseer shall have power to call out any person in his district liable to pay highway tax, to assist in the work necessary therefor, and he shall give such person a written certificate, stating the number of days worked by each, which shall be allowed to them on the next year's highway tax; but no person shall be thus called upon for labor to exceed the amount of one-half of his tax the previous year: Provided, In case the labor above provided to be done by taxpayers shall prove insufficient for said purposes, or in case it shall be impracticable for such labor to be performed in whole or in part by persons liable to a highway tax in said district, said overseer of highways shall have power to employ laborers to perform said labor, to be paid at the rate of not to exceed one dollar twenty-five cents per day, and shall give to each laborer so employed, a statement of the number of day's labor he has performed and the amount he is entitled to for said labor. Such statement shall be dated and signed by said overseer of highways and upon presentation of same to the commissioner of highways of the township in which said district is situated, said highway commissioner shall draw his order against the highway fund of said township in favor of said laborer, for said amount: Provided, That the total amount expended for said purposes in any one district for one year, shall not exceed the sum of twenty-five dollars: Provided further, That any person who has performed any labor in removing obstructions from the highway, or other work mentioned in this section, under the direction and at the request of the overseer of highways of any road district, since the rendering of the annual account of said overseer of highways for the year nineteen hundred four and prior to the annual meeting in April, nineteen hundred five, who has not otherwise been compensated for the same, shall receive compensation pursuant to the provisions of this act: Provided further, That this act shall not take effect until after a majority of the board of supervisors of

Overseer to
secure
assistance,
etc.

Proviso.

Further
proviso.

Further
proviso.

the county of Branch, at a regular meeting, shall have voted in favor of its adoption.

This act is ordered to take immediate effect.

Approved May 25, 1905.

[No. 571.]

AN ACT to amend section two of act number three hundred eighty-seven of the local and personal acts of the legislature of the State of Michigan, passed at the regular session held in the year eighteen hundred seventy-one, the same being an act entitled "An act to incorporate the public schools of the city of Corunna."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section two of act number three hundred eighty-seven of the local and personal acts of the legislature of the State of Michigan, passed at the regular session held in the year eighteen hundred seventy-one, entitled "An act to incorporate the public schools of the city of Corunna," hereby is amended so as to read as follows:

District
officers,
term of, etc.

SEC. 2. The officers of said district shall consist of six trustees, whose terms of office shall be three years and until their successors are elected and qualified, two of which trustees shall be elected by ballot at the annual meeting of said district, to be held on the second Monday of July in each year; and within ten days after such annual meeting the trustees of said district shall meet and elect from their own number a president, secretary and treasurer, whose terms of office shall continue one year, and whose powers and duties shall be severally the same as those conferred upon and required of the moderator, director and assessor of school districts in this State, except so far as the same are varied or modified by the provisions of this act or other acts relating to said district. Said board of trustees shall have power to fill any and all vacancies that may occur in their number or in the officers appointed by them, until the next annual meeting of the district. The present trustees of said district are hereby continued in office as such trustees until the second Monday in July of the year in which their respective terms of office as now elected will expire.

Board of
trustees,
powers of.

This act is ordered to take immediate effect.

Approved May 25, 1905.

[No. 572.]

AN ACT to authorize the village of Sheridan in the county of Montcalm and State of Michigan to borrow money and issue its bonds therefor, with which to construct a water-works plant for said village, and levy a tax for the payment of said bonds and the interest thereon.

The People of the State of Michigan enact:

SECTION 1. The village council in the village of Sheridan, in the county of Montcalm, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and to issue the bonds of said village therefor, to an amount not exceeding five thousand dollars, which shall be expended for the construction of a water-works plant for said village of Sheridan, under such rules and regulations as the village council shall provide: *Authority to borrow and issue bonds.* Provided, That a majority of the electors of said village, voting at an election held in accordance with this act, shall vote in favor of the said loan in the manner specified in this act, and not otherwise. *Proviso.*

SEC. 2. The question of raising the said money shall be submitted by the village council of said village, to the electors thereof, and the vote shall be taken as near as may be in accordance with the provisions of an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five. The village council shall have power to order a special election when it may, by said council, be deemed necessary to carry out the provisions of this act, and the proceedings at such election shall be the same as at the general elections held within said village, as near as may be. Said village council shall cause notice of any election held under this act to be published at least twice in a newspaper published in said village, if any is published therein, and copies of said notice shall be posted up in six of the most public places in said village at least two weeks before such election is held. Those electors voting for said loan shall have written or printed on their ballots the words, "For the loan;" and those electors voting against the loan shall have written or printed on their ballots the words, "Against the loan." *Election, etc.* *Special election.* *Notice of, etc.* *Ballot, etc.*

SEC. 3. If said loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, payable at such times, with such rates of interest, not exceeding five per cent per annum, as the said village council shall determine and direct. Such bonds shall be signed by the president of the village, countersigned by the clerk of said village, and negotiated by or under the direction of the village council, and the money raised therefrom shall be appropriated in such *Bonds, by whom signed, etc.*

Tax levy. manner as said village council shall determine for the purposes aforesaid. The said village council shall have the power, and it shall be their duty, to raise by taxes upon the taxable property of said village such sum or sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due. This act is ordered to take immediate effect.
Approved May 25, 1905.

[No. 573.]

AN ACT to incorporate "The Union School District of the City of Stanton" in the county of Montcalm.

The People of the State of Michigan enact:

Boundaries, description of. SECTION 1. All the territory in the former school district known as "Fractional school district number three," of the township of Sidney in the county of Montcalm, and afterwards incorporated as "Union School District number one," of the city of Stanton, by an act entitled "An act to incorporate the city of Stanton," approved March ten, A. D. eighteen hundred eighty-one, hereby is incorporated as a school district to be known in law under the name and style of "The Union School District of the City of Stanton," in the county of Montcalm, comprising the territory hereinafter mentioned, viz.: All the territory composing and comprising the corporate limits of the city of Stanton.

Also all that certain territory situated in the township of Day, outside the corporate limits of said city of Stanton and described as follows, to wit: The south half of section twenty-nine, except the northwest quarter of the southwest quarter of said section twenty-nine; the south half of section thirty; the west half of the northwest quarter of section thirty; section thirty-two; and all of section thirty-one, outside of the corporate limits of the city of Stanton;

Also all that certain territory situated in the township of Douglas, outside of the corporate limits of the city of Stanton and described as follows, to wit: The south half of section twenty-five; the southeast quarter of section twenty-six; sections thirty-five and thirty-six, except that portion of section thirty-six included within the corporate limits of the city of Stanton;

Also all that certain territory situated in the township of Evergreen outside of the corporate limits of said city of Stanton and described as follows, to wit: All of section five; section six, except that portion of said section six with-

in the corporate limits of the city of Stanton; section seven; and all of section eight, except the southeast quarter of said section eight;

Also all that certain territory situated in the township of Sidney outside of the corporate limits of said city of Stanton and described as follows, to wit: Section one, except that portion included within the corporate limits of the city of Stanton; sections two, eleven, twelve; the northeast quarter of section thirteen; the south half of the northeast quarter, and the northeast quarter of the northeast quarter of section fourteen; and the east half of the northeast quarter of section three; being all of the aforesaid territory heretofore included in the said fractional school district number three of the township of Sidney, and also, as aforesaid, heretofore included in union school district number one of the said city of Stanton, except such portions of said territory as have heretofore been detached from said school districts according to the statute in such cases made and provided.

SEC. 2. The said school district shall be subject to the general laws of the State as far as the same may be applicable, and shall have all the powers and privileges conferred upon primary and graded school districts by the general laws of this State, all the general provisions of which shall apply and be enforced in said school district, except such as shall be inconsistent with the provisions of this act.

School district, powers and privileges of.

SEC. 3. The general management and conduct of the affairs of said district shall be vested in a board of five trustees, to be elected as hereinafter provided, to be known as the board of education of said school district.

Board of Education.

SEC. 4. The members of the present board of trustees of the union school district number one of the city of Stanton shall constitute the first board of education of the school district hereby created and shall serve as members of said board of education until their respective terms of office would have expired if this act had not been passed, and until their successors are elected and qualified. And thereafter said trustees or members of said board of education shall be elected in the same manner as provided by the general laws of this State. And this act shall not affect any right, secured, created, or established, or the title to any property acquired, or any proceeding or transaction, tax, assessment, contract, debt, or liability, had, taken, commenced or incurred prior to the date this act takes effect, but every such act, claim, right, proceeding, or liability shall remain as valid and effectual as if this act had not taken effect.

Members of first board.

Election of members.

Act not to affect any prior transaction, etc.

SEC. 5. Within ten days after their election, such trustees and members of the board of education shall file with the secretary of said board, acceptances of the offices, to which they have been elected, and said board of education shall within two weeks after the annual meeting of said school district, meet and elect from their own number, a president,

Acceptance to be filed with secretary.

Elect officers.

Power to fill vacancies. a secretary, and a treasurer, whose duties, and powers shall be the same as those conferred upon and required of the moderator, director and treasurer of school districts in this State. Said board of education shall have power to fill by appointment all vacancies that may occur in their number until the next annual meeting.

Term of office. SEC. 6. The term of office of such trustees and members of said board of education, and the time and manner of their election, shall be such as are provided by the general laws of this State.

Power to create and appoint officers, etc. SEC. 7. The board of education shall have power to create and appoint such officers, and employes not herein otherwise provided for, as may be deemed necessary and expedient for transacting the business of such school district, and may prescribe their duties and compensation.

Compensation. SEC. 8. The president, secretary and treasurer of said board of education shall receive such compensation for their services respectively, as the said board shall determine. And the present moderator is hereby declared to be and created the president of said board of education; and the present director is hereby declared to be and created the secretary of said board of education; and the present treasurer is hereby declared to be and created the treasurer of said board of education of the union school district of the city of Stanton hereby created, and said officers respectively shall continue to hold their offices until the next annual meeting and until their successors are elected and qualified.

Officers of union school district. SEC. 9. The officers of said union school district number one of the city of Stanton are hereby declared to be, and are hereby created the officers of the union school district of the city of Stanton, and shall continue to hold their offices until the expiration of their terms to which they were elected as officers of said union school district number one of the city of Stanton.

Tax levy, to be certified to, etc. SEC. 10. The full amount of all taxes to be levied for school purposes upon the taxable property of the union school district of the city of Stanton shall be certified by the board of education of said district to the supervisors and city assessor of the city of Stanton, and to the supervisors of the townships of Day, Douglas, Evergreen and Sidney, who shall each certify to the others the amount of taxable property in that part of said district lying in said city and townships, and such supervisors shall respectively ascertain the proportion of such taxes to be placed on their respective assessment rolls, according to the amount of taxable property in such part of said school district, and the same shall be spread upon said assessment rolls accordingly.

Acts repealed. SEC. 11. All acts or parts of acts, in any manner contravening the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved May 25, 1905.

[No. 574.]

AN ACT to incorporate the village of Belleville in the county of Wayne, State of Michigan.

The People of the State of Michigan enact:

SECTION 1. All that territory situate in the township of Van Buren, county of Wayne, and being all that part of sections twenty-one, twenty-two, twenty-seven and twenty-eight, town three, south, range eight east, and bounded and described as: Beginning at a point on the north and south quarter line of said section twenty-eight, town three south, range eight east, said point being distant southerly one hundred sixty-five feet measured at right angles from the southerly line of Columbia avenue so-called; thence northeasterly parallel with and one hundred sixty-five feet southerly from the southerly line of said Columbia avenue to the center line of the east one-half of said section twenty-eight; thence south along said center line of section twenty-eight to a point which is three hundred thirty feet southerly of the southerly line of the Wabash Railroad right of way (said three hundred thirty feet to be measured at right angles to said Wabash Railroad); thence northeasterly parallel with and three hundred thirty feet southerly from said south line of the Wabash Railroad right of way to the intersection of a line which is one hundred sixty-five feet northeasterly of the northeast side of Liberty street as extended (said one hundred sixty-five feet being measured at right angles to said line of Liberty street); thence northwesterly parallel with and one hundred sixty-five feet northeasterly from the northeasterly line of said Liberty street and extension thereof, to the southerly side of Dalrymple road, so-called; thence southwesterly along the southeasterly side of said Dalrymple road to the southerly line of the southerly abutment of the bridge across the Huron river; thence northwesterly on the south line of the south abutment of said bridge, and extension thereof, to the northwesterly bank of the Huron river; thence southerly following the meanderings of the westerly bank of said Huron river to a point which is two hundred feet south of the line between sections twenty-one and twenty-eight in said township; thence southeasterly to the point of beginning, containing two hundred forty-two acres more or less; be and the same is hereby organized, incorporated, made and constituted a village to be known in law as the village of Belleville.

SEC. 2. The inhabitants of said village shall be and constitute a body corporate and politic to be known and distinguished by the name and title of the village of Belleville, and the said village shall be vested with all the powers and privileges and subject to all the restrictions and liabilities of villages organized under an act, entitled "An act to provide

Village
boundaries,
description of.

Village,
powers of, etc.

for the incorporation of villages within the State of Michigan and defining their powers and duties," approved February twenty, eighteen hundred ninety-five, and all acts amendatory thereof and in addition thereto.

Election,
when held.

SEC. 3. The first election of village officers for said village shall be held upon Monday, the twenty-sixth day of June, nineteen hundred five, at and in the building known as the Town Hall, situated in said village.

Board of
registration,
election in-
spectors, etc.

SEC. 4. Samuel W. Campbell, John M. Cody, Albert E. Smith and Oscar L. Austin, Sr., are hereby constituted a board of registration and a board of election commissioners for the first election to be held in said village, and to be and act as inspectors of election at said first election. Said board of registration is hereby directed to meet on the Saturday next preceding the date herein fixed for said election in the said town hall in the village of Belleville, at nine o'clock in the morning and be and remain in session until eight o'clock p. m. of said day, for the purpose of registering the names of all persons residents of said territory herein proposed for incorporation, who shall present themselves for registration and who shall have the qualification of voters at township meetings under the constitution and laws of this State. Written notices of meeting of said board of registration shall be posted in three of the most public places in said village at least five days before the date of the meeting of said board of registration as herein provided. Said notices shall be signed by the board of registration herein made and constituted.

Registration,
when held.

Notice of.

Election,
notice of.

SEC. 5. Written notices of said first election of officers of said village shall be posted in three of the most public places in said village at least five days before the date of said election, which said notices shall be signed by the election inspectors herein provided.

Village, how
governed.

SEC. 6. The said village of Belleville shall in all things not herein otherwise provided be governed by the said act, entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," approved February twenty, eighteen hundred ninety-five, and all acts amendatory thereof and in addition thereto.

Special
election, etc.

SEC. 7. In case the officers of said village shall not be elected at the time designated in section three of this act, the election for such village officers may be held at any time within one year after the time designated in said section, notices thereof and of the registration therefor being given as provided in sections four and five of this act.

This act is ordered to take immediate effect.

Approved May 31, 1905.

[No. 575.]

AN ACT to create fractional school district number seven of the townships of Ida, Raisinville and Dundee in Monroe county; to define the boundaries thereof, and to authorize said district to borrow money and issue the bonds of said district for the purpose of building a schoolhouse therein and to provide for the payment of said bonds.

The People of the State of Michigan enact:

SECTION 1. That there shall be created and established in the townships of Ida, Raisinville and Dundee in the county of Monroe a fractional school district, to be known as fractional district number seven of the townships of Ida, Raisinville and Dundee, the boundaries of said district to be as follows, viz: Beginning at a point in the quarter section line of section thirty-three town six south, range seven east, at the south side of said section thirty-three, and being in the township line between the townships of Ida and Dundee; thence north on the quarter section line of said section thirty-three to the intersection of the north farm line of Fred Maur; thence east along the said north farm line of said Fred Maur to the east section line of said section thirty-three; thence south to the intersection of the east and west quarter section lines of section thirty-four, same town and range; thence east on said quarter section line to the intersection of the west farm line of John Turner; thence northeasterly along the west line of said Turner's farm to the north section line of said section thirty-four; thence east on said north section line of said section thirty-four to the intersection of the southeast quarter of the southeast quarter of section twenty-seven, same town and range; thence north on said quarter line to the center of the southeast quarter of said section twenty-seven; thence east along the north line of the southeast quarter of the southeast quarter of said section twenty-seven to the east line of said section twenty-seven; thence north on the east section line of said section twenty-seven to the intersection of the quarter section line of section twenty-six, same town and range; thence east on the said quarter section line of said section twenty-six to the road running northeasterly, known as the "Ida Road;" thence northeasterly along said road to the crossing of the Grundman drain; thence easterly along said drain to the east line of private claim number six hundred seventy; thence southeasterly along the east line of said private claim number six hundred seventy to the intersection of the north farm line of George Smith; thence east along the north farm line of said George Smith and continuing in the same easterly direction to the east line of private claim number four hundred seventy-two; thence southwesterly

Creating
school
district.

Boundaries.

along the east line of said private claim number four hundred seventy-two to the southerly line of the farm of William Finn; thence northwesterly along the line of said Finn's farm to the road on the west line of private claim number four hundred seventy-two; thence southwesterly along said road to the section line road between sections one and twelve and two and eleven, town seven south, range seven east; thence west on said section line road to the intersection of the east line of the west half of the east half of the northeast quarter of said section eleven; thence south on said east line of the west half of the east half of the northeast quarter of said section eleven to the east and west quarter section line; thence west on said quarter section line to the center of said section eleven; thence south on the quarter section line of said section eleven to the intersection of the south farm line of Leo Hutting; thence west on the south farm line of said Leo Hutting to the section line road between sections ten and eleven; thence south on said road to the intersection of the south line of the north half of the southeast quarter of section ten; thence west on the south line of the north half of the southeast quarter of said section ten to the quarter section line; thence north on said quarter section line to the center of said section ten; thence west on quarter section line to west section line; thence north on west section line road of section ten to the corners of sections three, four, nine and ten; thence west on the south section line of said section four to the intersection of the quarter line of said section four; thence north on said quarter line of said section four to the place of beginning. Of the above described lands such as are now included in fractional district number seven of Raisinville and Ida will be included in the district hereby created; and such of the above described lands as are now included in any other school district in any of said towns of Ida, Raisinville and Dundee are hereby detached from the districts in which they are at present included and are hereby attached to the district hereby created.

Lands detached.

Graded school district.

Providso.

Election of trustees, etc.

SEC. 2. Said school district may, by a majority vote of the qualified electors present at any annual or special meeting organize as a graded school district: Provided, That the intention to take such vote shall be expressed in the notice of said annual or special meeting. When such change in the organization of said district shall be voted, the voters at such annual or special meeting shall proceed immediately to elect by ballot from the qualified voters of the district one trustee for the term of one year, two trustees for the term of two years and two trustees for the term of three years, and annually thereafter they shall elect a successor or successors to the trustee or trustees whose term or terms shall expire, which successors shall hold their office for the term of three years. In the election of said trustees or other officers the person receiving a majority of all the votes shall be declared elected. Until such action on the part of the electors of said

district shall be taken, the present school officers of fractional district number seven of Raisinville and Ida shall be the officers of the district hereby created, until their successors shall have been duly chosen according to law.

SEC. 3. The district created by this act is hereby empowered to borrow on the faith and credit of said district a sum of money not to exceed eight thousand dollars, for a term not exceeding twelve years and at a rate of interest not to exceed five per centum per annum, payable annually, and to issue the bonds of said district therefor, in such denominations and payable in such times as the officers of said district may determine, which money shall be raised and used only for the purpose of erecting a schoolhouse in said district: Provided, That no money shall be borrowed or bonds issued until the question of borrowing the same shall have been submitted to a vote of the electors of said district qualified under the laws of Michigan to vote at school meetings on questions which directly involve the raising of money by tax for said school district, present at any annual or special meeting of said district appointed and called by the officers of said district for the purpose of voting upon said question, and such money shall not be borrowed nor such bonds issued therefor except a majority of the votes of the qualified electors present at such annual or special meeting shall vote in favor of such borrowing.

Authority to borrow money.

Bond issue.

Proviso.

SEC. 4. The officers of said district shall submit the question of borrowing money and issuing the bonds of the district therefor to said qualified electors, at any annual meeting of said district, at any special meeting called by said officers for the purpose of voting upon said question and public notice of said meeting, containing a statement of the time, place and purpose thereof shall be given by said officers by causing copies of said notice to be posted in at least five public places in said district not less than six days before the time set for said meeting. At any meeting, whether special or annual at which the question of making the loan and issuing the bonds herein provided for shall be submitted to the qualified voters of said district, the polls shall be kept open for two hours from the time mentioned in the notice of said meeting; the officers of said district shall act as a board of election inspectors; and the procedure shall be, as near as may be as provided by the laws of this State for special elections; the vote on said proposition shall be by ballot, printed, or written or partly printed and partly written, and shall contain the words: "For the schoolhouse loan—'Yes,'" and "For the schoolhouse loan—'No,'" which said vote shall be canvassed and the result announced by the inspectors, and the result thereof entered at length in the records of said district. The school officers of said district shall furnish a supply of ballots for said vote.

Annual or special meeting.

Notice of.

Polls, when open.

Ballots, etc.

Canvass of vote.

SEC. 5. If, upon a canvass of the votes of the qualified electors present and voting upon such proposition, it shall

Power to borrow money.

Erection of
schoolhouse.

appear that a majority of said vote shall be in favor of such proposition, the officers of said district shall be empowered to borrow said sum of money which shall have been authorized by said vote and to execute and deliver the undertakings of said district therefor, and dispose of said bonds from time to time as said officers may deem necessary; and the money so raised shall be used for the erection and furnishing of a schoolhouse in said district and for no other purpose whatever.

Tax levy.

SEC. 6. It shall be the duty of the school officers of said district to provide by tax upon all the taxable property of said school district for the payment of the principal of said bonds when the same shall become due, either by taxation from year to year or the creation of a sinking fund therefor. They shall provide for the payment of the interest upon said bonds and they are hereby authorized to raise by tax, in each year, in addition to all other school taxes, a sum sufficient to provide for the payment of interest on said bonds.

Treasurer to
give special
bond.

SEC. 7. The money raised by the sale of said bonds shall be covered into the treasury of said school district and shall be paid out for the purpose raised and in strict accordance with law. The treasurer of said school district shall be the custodian of said moneys as well as of the moneys raised to pay the principal and interest on said bonds. He shall give a special bond for the custody of said funds and in a corporate guarantee company, authorized to do business in the State of Michigan, which said bond, from year to year shall be in double the sum to be in his hands during said year, and which bond shall be in addition to any bond which he may give as treasurer of said school district.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 576.]

AN ACT to provide for the election of county drain commissioner in the county of Ingham, and to extend the term of the present incumbent of said office.

The People of the State of Michigan enact:

Drain com-
missioner,
election of.

SECTION 1. At the regular biennial election to be held on the Tuesday succeeding the first Monday in November, nineteen hundred six, and each four years thereafter, there shall be chosen in the county of Ingham, by the qualified electors thereof, on the same ticket as the other county officers, a county drain commissioner, whose term of office shall begin on the first day of January following his election, and con-

Term of
office.

tinue for four years, and who shall be incapable of holding the office of county drain commissioner longer than four in any period of eight years. Before entering on the duties of his office, the said duly elected drain commissioner shall take and file with the county clerk a constitutional oath of office, and shall also file with the county treasurer a bond in the penal sum of ten thousand dollars, conditioned on the faithful discharge of the duties of his office, which bond shall be approved by the board of supervisors. It shall be the duty of the county clerk to make report to the Secretary of State of the election and qualification of a county drain commissioner, as a part of his report of the election and qualification of the county officers. In case of a vacancy in the office of county drain commissioner it shall be the duty of the county clerk, prosecuting attorney and judge of probate of the county of Ingham to fill the vacancy by appointment.

Oath and
bond, with
whom filed.

Clerk to
report to
Secretary of
State.

Vacancy,
how filled.

SEC. 2. Until the first election to be held under the provisions of this act, the present drain commissioner of the county of Ingham shall hold said office the same as though he had been duly elected thereto and the term of office of the present incumbent is hereby extended to January first, nineteen hundred seven.

Present in-
cumbent,
term
extended.

SEC. 3. The salary of said county drain commissioner shall be twelve hundred dollars per year and shall be paid as are the salaries of other elective county officers, and the same shall be in lieu of all other compensations: Provided, however, That the accounts of said county drain commissioner for actual and necessary expenses incurred in the performance of his duties as such county drain commissioner shall be verified, audited and filed as provided by law and shall be paid by orders drawn upon the drain funds in the manner now provided for payment of such accounts.

Salary, how
paid.

Proviso.

SEC. 4. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Acts
repealed.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 577.]

AN ACT to disorganize and vacate the township of Atkinson in the county of Iron, and to incorporate its territory within the adjoining township of Iron River, in the county of Iron.

The People of the State of Michigan enact:

SECTION 1. The township of Atkinson, in the county of Iron, is hereby disorganized and vacated, and the territory

Act vacating.

thereof is hereby attached to and incorporated within the township of Iron River in said county of Iron.

Township
constituted
successor.

SEC. 2. The township of Iron River, in said county of Iron, is hereby constituted and made the legal successor of the said township of Atkinson and as such legal successor, shall succeed to all the property, real, personal and mixed, and rights of action belonging to said township of Atkinson and the said township of Iron River shall assume and be liable for the payment of all of the lawful indebtedness and claims against said township of Atkinson.

Moneys,
books, papers,
etc., turned
over.

SEC. 3. It shall be the duty of the township officers of the said township of Atkinson as soon as this act shall take effect to turn over and deliver to the proper officers of the said township of Iron River, the same as if the said officers of the said township of Iron River were their successors in office, all moneys, funds, books, papers, files, records and other property and effects whatever belonging to said township of Atkinson in their possession belonging to their several offices.

Power to
collect taxes.

SEC. 4. The township treasurer of the township of Iron River, is hereby invested with full power and authority to collect all taxes that may be due and unpaid upon any property of the township of Atkinson at or before the date of the taking effect of this act. And to enforce the payment of delinquent and other taxes in the same manner as other taxes are collected under the general laws, and to give credit of all moneys thus collected to the township of Iron River.

This act is ordered to take effect April first, nineteen hundred six.

Approved June 1, 1905.

[No. 578.]

AN ACT to detach certain territory from the township of Iron River in the county of Iron and attach the said territory to the township of Stambaugh in said county.

The People of the State of Michigan enact:

Territory
detached.

SECTION 1. All of townships forty-four and forty-five north of range thirty-seven west of the Michigan meridian is hereby detached from the township of Iron River in the county of Iron, and the same is hereby attached and made a part of the territory of Stambaugh in said county of Iron.

Collection of
taxes, etc.

SEC. 2. The township treasurer of the township of Stambaugh, after the taking effect of this act, shall be empowered and authorized to collect all taxes that may be due and unpaid at or before the date of the taking effect hereof, upon any property detached from the township of Iron River and

attached to the township of Stambaugh as described in section one of this act. And to enforce the payment of delinquent and other taxes in the same manner as other delinquent taxes are collected in said township under the general laws. And to credit all moneys thus collected to the township of Stambaugh.

This act is ordered to take effect April first, nineteen hundred six.

Approved June 1, 1905.

[No. 579.]

AN ACT to authorize school district number eight of the township of Hamtramck, county of Wayne and State of Michigan, to borrow money and issue bonds therefor in the sum of fifteen thousand dollars, to be used to purchase site and build additions to present school and for furnishing and equipping the same.

The People of the State of Michigan enact:

SECTION 1. School district number eight of the township of Hamtramck, county of Wayne and State of Michigan, is hereby authorized and empowered to borrow on the faith and credit of said school district, a sum of money not to exceed fifteen thousand dollars, for a term not exceeding thirty years from date of issue, at a rate of interest not exceeding five per cent per annum payable semi-annually, at such place or places as the board of trustees of said school district may determine, and to issue the bonds of said district therefor, in such denominations as the board of trustees may, by a majority vote of all the members elect, determine: *Authority to borrow money, issue bonds, etc.* Provided, *Proviso.* however, That no such bonds shall be sold for less than par value; And provided further, That no bonds shall be issued or moneys borrowed for the purpose of purchasing site and building additions to present school and for furnishing and equipping the same, until the question of borrowing such sum of money and issuing of said bonds therefor shall be first submitted to a vote of the electors of said school district qualified under the laws of the State of Michigan to vote on questions which directly involve the raising of money by tax for said school district, present at any annual or special meeting appointed and called by the board of trustees of said school district for the purpose of voting thereon, and unless the borrowing of such sum of money and the issue of said bonds therefor shall be authorized by the affirmative vote of a majority of such qualified electors voting upon said proposition at such meeting. *Further proviso, as to election, etc.*

- Election.** SEC. 2. The board of trustees of said district shall submit the question of making such loan and issuing said bonds to the electors mentioned in section one of this act, at any annual meeting of said district, or at any special meeting called by said board for the purpose of voting on such proposition, and public notice of such meeting, which shall contain a statement of the time, place and object thereof, shall be given by said board of trustees, by causing copies of such notice to be posted in at least five public places, in said district, not less than six days before the time of such meeting.
- Notice of, etc.**
- Inspectors.** SEC. 3. At such annual meeting, or at the special meeting provided for in section two of this act, at which the proposition of issuing said bonds may be submitted to the electors of said district, the moderator, director and treasurer (formerly called assessor) of said school district, shall constitute a board of inspectors, and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open for two hours after the time fixed for the meeting, in the notices thereof. The vote upon such proposition shall be by ballot, either printed or written or partly printed and partly written, and the proposition each time a vote is taken stating the sum to be borrowed shall be stated upon such ballots in the following form:
- Poll list, etc.**
- Ballots.** "For borrowing the sum of.....dollars and issuing the bonds of school district number eight of the township of Hamtramck, Wayne county, Michigan, therefor, at not to exceed five per cent interest per annum, and for not to exceed thirty years, to be used to purchase site and build addition to present school, and for furnishing and equipping the same—Yes," and "For borrowing the sum ofdollars and issuing the bonds of school district number eight of the township of Hamtramck, Wayne county, Michigan, therefor, at not to exceed five per cent interest per annum and for not to exceed thirty years, to be used to purchase site and build addition to present school and for furnishing and equipping the same—No." And the ballots shall be deposited in a separate ballot box provided for the purpose. At the closing of the polls the inspectors shall canvass the ballots and publicly declare the result thereof, and record the same in the school district records.
- Canvass of ballots.**
- Bond issue.** SEC. 4. If, at such meeting, a majority of such qualified electors present thereat and voting upon such proposition shall vote in favor of such loan and issuing said bonds therefor, the board of trustees of said district shall thereupon be authorized to borrow not to exceed the sum of fifteen thousand dollars and to issue the bonds of said district therefor, which bonds shall be executed in such proper form and by such officers of the board as the board of trustees of said district shall direct, and the said bonds may be disposed of from time to time in such quantities as such board of trustees may deem necessary.
- Disposal of.**

SEC. 5. The money borrowed under the provisions of this act shall be applied as follows, viz.: To purchase site and build additions to the present school and for furnishing and equipping the same. Money, how applied.

SEC. 6. It shall be the duty of said board of trustees of school district number eight of the township of Hamtramck, to provide by tax upon all the taxable property in said school district, or from any fund it may have on hand and not otherwise appropriated, for the payment of said sum of fifteen thousand dollars, and interest upon all bonds issued under authority of this act, and the board of trustees of said school district is hereby authorized to raise by tax in each year, in addition to all other school taxes, a sum sufficient to provide for the payment of the interest on said bonds. Tax levy.

SEC. 7. It is the intent and purpose of this act to enable and empower the said school district number eight to raise and realize the sum of fifteen thousand dollars, over and above and in addition to all sums which said district may borrow and become indebted for under the general statutes of the State, relative to the indebtedness of school districts, and this act shall not be construed to limit or impair the power and authority which said school district may have under the said general statutes of the State to borrow money and become indebted therefor, and all sections of the general school law of this State inconsistent with the provisions of this act are and the same shall be inoperative as to said district, but all sections of the general school law of this State not inconsistent with the provisions of this act, are and the same shall be and remain in full force in said district. Purpose of act.
Sections inoperative.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 580.]

AN ACT to authorize the union school district of Bay City to borrow money and issue its bonds therefor, for the purpose of building, enlarging and repairing certain school buildings.

The People of the State of Michigan enact:

SECTION 1. The union school district of Bay City is hereby empowered and authorized to borrow a sum of money not exceeding fifty thousand dollars in amount, and issue its negotiable coupon bonds therefor, for the purpose of building a new school building to replace the Woodside School recently destroyed by fire, and to enlarge and repair the Authority to borrow money.
Issue bonds.

When payable. Fremont and Whittier school buildings. Said bonds shall be made payable in not less than ten years nor more than twenty years from the date of issue thereof, and shall bear not to exceed the rate of five per cent per annum, payable semi-annually, and shall be in such form, of such denomination and executed in such manner as the board of education of said union school district may, by resolution direct, and such bonds when so issued shall be a binding, valid liability against said union school district.

Special election. Sec 2. No money shall be borrowed by said board of education until the same shall be approved by a majority vote of the electors of said city, voting at a special election to be called for that purpose in accordance with, and in conformity to section two hundred fifty-four of act number five hundred fourteen of the Local Acts of nineteen hundred three, and such other sections of said act as shall apply to the method of holding any such election, and the issuing of such bonds for such school purposes, said act being the charter of the city of Bay City: Provided, That said bonds shall not be sold at less than par, and the money arising therefrom shall be used for the purpose aforesaid.

Proviso.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 581.]

AN ACT to amend sections one and two of act number two hundred forty-nine, local acts of eighteen hundred seventy-one, entitled "An act to incorporate the city of Alpena," as amended.

The People of the State of Michigan enact:

Sections amended.

SECTION 1. Sections one and two of act number two hundred forty-nine, local acts of eighteen hundred seventy-one, entitled "An act to incorporate the city of Alpena," as amended, are hereby amended so as to read as follows:

Boundaries of city.

SECTION 1. So much of the township of Alpena, in the county of Alpena, as is included in the following described territory, to-wit: The southwest quarter of section thirteen, the south half of sections fourteen, fifteen and sixteen, the whole of sections twenty-one, twenty-two and twenty-eight, the west fractional half of section twenty-four, and fractional sections twenty-three, twenty-six and twenty-seven, and that part of section thirty-four commencing at the meander post between sections twenty-seven and thirty-four of town thirty-one north, of range eight east, running thence westerly along the section line between said sections twenty-seven and thirty-

four to a point where the southwesterly line of Mason street, if extended, would intersect said section line; thence south, thirty degrees east, along the southwesterly line of said Mason street, extended, to the shore line of Thunder bay; thence northerly along said shore line of Thunder bay to the point of beginning, in township thirty-one north, of range eight east, in the State of Michigan, is hereby set off from the township of Alpena, and declared to be a city by the name of the city of Alpena, by which name it shall be hereafter known, and by that name may sue and be sued, implead and be impleaded, complain and defend in any court of competent jurisdiction, may have a common seal and alter it at pleasure, and may take, hold, purchase, lease, convey and dispose of any real, personal and mixed estate for the use of said corporation.

SEC. 2. Said city shall be divided into six wards:

Boundaries
of wards.

The First ward shall include all that part of the city included in the following boundaries: Commencing at a point in the center of Thunder Bay river and the center of Second street; thence along the center of Second street to a point where it intersects the quarter line of section twenty-seven, in said city; thence west along said quarter line to the west line of section twenty-eight; thence south on west line of section twenty-eight to the southwest corner of said section twenty-eight; thence east on south line of sections twenty-eight and twenty-seven and that part of section thirty-four commencing at the meander post between sections twenty-seven and thirty-four of town thirty-one north, of range eight east, running thence westerly along the section line between said sections twenty-seven and thirty-four to a point where the southwesterly line of Mason street, if extended, would intersect said section line; thence south, thirty degrees east, along the southwesterly line of said Mason street, extended, to the shore line of Thunder bay; thence northerly along said shore line of Thunder bay to the point of beginning, to the shore of Thunder bay; thence along the shore of Thunder bay to the center of Thunder Bay river; thence up the center of Thunder Bay river to the place of beginning.

The Second ward of said city shall include all that part of said city within the following boundaries: Beginning at a point in the center of Thunder Bay river where the center of Second street intersects said river; thence southwesterly along the center of Second street to where it intersects the east and west quarter line in section twenty-seven; thence west on said quarter line to the west line of said section twenty-seven; thence west along the quarter line in section twenty-eight, to the west line of section twenty-eight; thence north on the west line of section twenty-eight, to the eighth line running east and west in the north half of said section twenty-eight; thence east on said eighth line to the east line of said section twenty-eight; thence east on the eighth line in section twenty-seven to a point where said eighth line inter-

sects the center of Fifth street; thence northeasterly along the center of said Fifth street to a point where it intersects the center of Maple street; thence north along the center of Maple street to where it intersects the center of Washington avenue; thence east along the center of Washington avenue to a point where the center of Washington avenue intersects the center of Plains street; thence north along the center of Plains street to a point where the center of Plains street intersects the center of Fifth street; thence northeasterly along the center of Fifth street to the corner of lots twenty and twenty-one, in block eight of the city of Alpena; thence northeasterly along the line between said lots twenty and twenty-one to a point in the center of Thunder Bay river, opposite said line; thence along down the center of said river to place of beginning.

The Third ward of said city shall include all that part of said city included within the following boundaries: Commencing at a point in the middle of Thunder Bay river, opposite a line between lots twenty and twenty-one, in block eight; thence along between said lots twenty and twenty-one, in block eight, to Fifth street; thence along the center of Fifth street to a point where Fifth street intersects with the center of Plains street; thence along the center of Plains street to a point where the center of Plains street intersects at the point in the center of Thunder Bay river with the east line of section twenty-one; thence down along the center of said river to place of beginning.

The Fourth ward of said city shall include all that portion of said city lying on the westerly and southerly side of Thunder Bay river and not included in the first, second and third wards.

The Fifth ward of said city shall include all that part of the city included within the following boundaries: Commencing at a point on the shore of Thunder bay, directly opposite a line between lots one and two, in block one of Wade's addition to the city of Alpena; thence along in a direct line to the corner of lots one and two; thence on a line between said lots to Mill street; thence to and across Mill street to a point where Mill street intersects the center of Lake street; thence along the center of Lake street to a point where the center of Lake street intersects the section line between sections twenty-two and twenty-three; thence north on said section line between sections twenty-two and twenty-three, and between sections fourteen and fifteen, to the northeast corner of the northeast quarter of the southeast quarter of section fifteen; thence west in a direct line to the northwest corner of the northwest quarter of the southwest quarter of section sixteen; thence south along the west line of sections sixteen and twenty-one to the center of Thunder Bay river; thence down along the center of Thunder Bay river to a point in the center of said river directly opposite the outside boundary line of the Gilchrist lumber docks; thence along the outside boundary

line of Gilchrist lumber dock and the shore of Thunder bay to the place of beginning.

The Sixth ward of said city shall include all that portion of said city lying on the easterly and northerly side of said Thunder Bay river, and not included in said fifth ward.

Each ward shall be an election district by itself, but it shall be lawful for the common council at any time to divide the several wards of the city, or any of them into convenient election precincts, for the purpose of holding all elections; and in case any ward or wards shall be so divided, the provisions of the general laws of this State, and of this act, relating to elections other than in towns shall be applicable, except as herein otherwise provided; and the common council shall also provide for inspectors of election and boards of registration, and registration of electors therein, and the canvassing and return of all votes. Election districts, etc.
Inspectors, board of registration, etc.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 582.]

AN ACT to divide the township of St. Charles, Saginaw county, State of Michigan, into two voting precincts, and provide for the registration of electors and the manner of conducting elections therein.

The People of the State of Michigan enact:

SECTION 1. The township of St. Charles, in the county of Saginaw, State of Michigan, is hereby divided into two election districts, or precincts, as follows: All that part of said township lying north of the south line of sections fifteen, sixteen, seventeen and eighteen, and west of the Shiawassee river, shall constitute voting district, or precinct, number one; and all that part of said township of St. Charles, lying south of the south line of sections fifteen, sixteen, seventeen and eighteen, and all of the said township lying east of the Shiawassee river, shall constitute election district, or precinct, number two. The place for holding the elections in district, or precinct, number one shall be the town hall in the village of St. Charles, Saginaw county, State of Michigan; and the place for holding the elections in district, or precinct, number two shall be selected by the township board of said township at least two weeks preceding any general, special or annual township election, or meeting, held in said township, and the township clerk shall cause notices thereof to be posted in three of the most public places in said election district, or Township divided.
Boundaries.
Election, places for holding.
Notice of.

precinct, at least eight days prior to the holding of any election or town meeting therein.

Inspectors of election.

SEC. 2. It shall be the duty of the township board of the township of St. Charles, at a meeting of said board, to be held at least two weeks prior to the annual spring election therein, for the year nineteen hundred six, to appoint a board of inspectors of election for each election district or precinct in said township into which the said township now is, or may hereafter be, divided, whose duties shall be the same as those required of inspectors of election under the general election laws of this State, said board to be composed of four qualified electors of said township, as follows: For precinct number one therein, the supervisor, the township clerk and two justices of the peace whose term of office shall first expire; for precinct number two therein, the remaining two justices of the peace of said township, the township treasurer and one other qualified elector of said township, to be appointed by the township board, and the inspectors of election for each of the other districts into which the said township may hereafter be divided to be appointed by the said township board at such meeting as aforesaid: Provided, That no person shall act as such inspector, who is a candidate for any office, to be elected by ballot, at such election.

Proviso.

Board of Inspectors, etc.

SEC. 3. In case four inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose, viva voce, such number of said electors as, with the inspectors present, shall constitute a board of four in number, and such electors so chosen shall be inspectors of that election, during the continuance thereof. In case the township clerk is not present, or is not qualified to act as clerk of said board, the inspectors at each of the voting districts, or precincts, shall, before the opening of the polls, appoint two electors, out of those present, to act as the clerks of said several boards; they shall also appoint two gate keepers.

Clerks.

Inspectors, powers and authority of.

SEC. 4. The boards of inspectors of each district shall be inspectors of election in each election or township meeting held therein; they shall appoint one of their number chairman of the board, shall administer oaths, make appointments and have the same powers and authority for preserving order and enforcing their commands and all other powers for proceeding with the elections in said district and shall conduct the elections therein in the same manner as now, or hereafter, directed by law for township inspectors of general elections held in this State, unless herein otherwise provided. They shall receive the same compensation as township inspectors, from the township, and before entering upon their duties, shall take and subscribe the oath of office prescribed by the constitution.

Compensation.

Oath of office.

Electors, where to vote.

SEC. 5. The electors of each district shall vote in their respective district in which they reside and for which they are registered, except such as are required to act as inspectors of

election, who may vote at the polls where they act as inspectors.

SEC. 6. The electors of each election district, or precinct, shall meet at one o'clock in the afternoon at the polling place of each district respectively to transact such business as is usually transacted at township meetings by viva voce vote, and the inspectors shall count or canvass the votes on each and every question which shall be submitted to them and the result of such vote shall be counted and reported to the board of inspectors of election in precinct number one and shall be by them consolidated and canvassed in the same manner as herein provided, for State, county and township officers: Afternoon meeting of electors. Provided, That all questions proposed to be acted upon shall be previously reported to the township board and by them reported to the board of inspectors of election of each precinct on the morning of election, and that no question shall be entertained that is not so reported, except the election of overseers of highways in each election district, or precinct: Proviso. Provided further, That in case no reports are submitted to the inspectors of election of each election precinct, then all questions to be decided by viva voce vote shall be submitted to the electors of election district or precinct number one and the chairman of the board of inspectors of said election district or precinct shall decide and announce to the clerk of said board the number of votes for and against each question so submitted. Further proviso.

SEC. 7. A new registration for the whole township shall take place on the Saturday next preceding the first spring election to be held after the passage of this act. The board of registration of each precinct or district in said township shall complete the registration of the electors of each district or precinct in separate district registers to be provided by said township and shall transcribe to such district or precinct register from the township register the names of such electors as they know are qualified electors and residents of such district, and shall cause such district or precinct register to be present at every election for the use of each district or precinct board of inspectors, and for the purpose of perfecting the registration of the electors in each election district or precinct the township board shall appoint a board of New registration. registration for each district or precinct, to be composed of three qualified electors of said township, as follows: For district or precinct number one, the supervisor and two other duly qualified electors, appointed by the township board; for district or precinct number two, the township clerk and the township treasurer and one other duly qualified elector appointed by the township board; and for each of the other districts or precincts into which the said township now is, or may hereafter be, divided, three qualified electors to be appointed by the township board; said electors as herein provided shall take and subscribe the oath of office referred to in section four of this act; two members of said district board Board of registration, members of. Oath of office.

Chairman. of registration shall form a quorum; they shall appoint one of their number to be chairman of the board, who shall have charge of the register of his district from the close of registration to the morning of election day, when he shall deliver it to the inspectors of election for the district or precinct for which such registration was made, for the purpose of better perfecting the registration of electors in election district or precinct number two; said board of registration shall be in session on the Friday and Saturday next preceding the April election to be held in the year nineteen hundred six, giving suitable notice thereof, at such time and place in said district as said township board shall direct; thereafter said board shall remain in session one day only.

Sessions of Board.

Notice of.

Canvass of votes. SEC. 8. The district or precinct inspectors of election shall, without adjourning, publicly canvass the votes received by them the same as prescribed by law for canvassing votes at the general election in this State, except as herein otherwise provided and shall on the same day make a statement in writing setting forth in words at full length the whole number of votes given for each office, the name of persons for whom such votes for each office were given and the whole number of votes given for and against the same, which statement shall be certified under the hands of the inspectors of election of such district or precinct to be correct; and they shall deposit such statement and certificate on the day of election, together with the poll list and the register of electors and the boxes containing said ballots, with the board of inspectors of district or precinct number one, and said last named board shall immediately consolidate said district or precinct reports, and the combined results shall be the official canvass of said township.

Statement in writing.

With whom deposited.

Power to redistrict township. SEC. 9. Said township board, at any meeting thereof held, at least two weeks before the annual spring election or meeting of the electors of said township, may, and are hereby empowered, when the vote in any one district or precinct shall have exceeded three hundred at the last election held therein, to redistrict said township into election districts or precincts in manner and form as is provided now by law for the original redistricting of townships.

General election laws to apply. SEC. 10. The general election laws of this State shall apply to said township, and the elections and meetings held therein, when not inconsistent with the terms of this act.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 583.]

AN ACT to divide the township of Taymouth, in the county of Saginaw, into two election districts.

The People of the State of Michigan enact:

SECTION 1. The township of Taymouth, in the county of Saginaw, is hereby divided into two election districts to be known, respectively, as election district number one and election district number two of Taymouth township, Saginaw county. Election districts.

SEC. 2. Election district number one shall comprise all that part of Taymouth township lying west of the Flint river, and that part thereof east of said river and south of the east and west quarter line running through sections twenty-five, twenty-six and twenty-seven; and election district number two shall comprise all that part of Taymouth township north and east of the Flint river, and north of the east and west quarter line running through sections twenty-five, twenty-six and twenty-seven. Description of.

SEC. 3. The voting place in election district number one shall be the town hall, known as the Burt opera house, near the village of Burt, and the voting place in election district number two shall be the town hall on the east side of the Flint river. Voting places.

SEC. 4. Elections shall be conducted and the boards of registration and boards of inspectors of elections in such districts shall be constituted as provided by the general election laws of the State. Elections, how conducted.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 584.]

AN ACT to provide for the destruction of noxious weeds in the city of Detroit.

The People of the State of Michigan enact:

SECTION 1. It shall be the duty of every owner, occupant or person having charge of lands within the corporate limits of the city of Detroit to cut down or cause to be cut down all Canada thistles, milk weed, sweet clover or other noxious weeds growing thereon in each and every year between June fifteen and July one, and so often as shall be sufficient to prevent said Canada thistles, milk weeds, sweet clover and Destruction of noxious weeds.

Conviction,
penalty for.

other noxious weeds going to seed; and if any owner, occupant or person having charge of such lands shall suffer any such Canada thistles, milk weed or other noxious weeds to grow thereon and the same to ripen so as to cause and endanger the spread thereof, he shall on conviction be punished by a fine not to exceed twenty-five dollars together with the costs of prosecution, and in default of the payment of the same be imprisoned in the county jail or the Detroit house of correction for a period not exceeding twenty days.

Commissioner
of public
works to
give notice,
etc.

SEC. 2. The commissioner of public works of the city of Detroit shall give a written notice to the owner, occupant or person having charge of such lands whereon Canada thistles, milk weed, sweet clover or other noxious weeds shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice; and in case such owner, occupant or person having charge of such lands shall refuse or neglect to cut or cause to be cut down the said Canada thistles, milk weed, sweet clover or other noxious weeds, the said commissioner of public works shall order and direct employes of said department of public works to enter upon the lands where said Canada thistles, milk weed, sweet clover or other noxious weeds are growing to cause all such Canada thistles, milk weed, sweet clover or other noxious weeds to be cut down and destroyed; and the commissioner or said employes shall not be liable for so entering upon said lands for the purpose of performing such duty: Provided, When such Canada thistles, milk weed, sweet clover or other noxious weeds are found growing upon unoccupied or non-resident's lands and no one to the knowledge or information of the said commissioner shall have charge thereof, it shall not be necessary to give notice before proceeding to cut down such Canada thistles, milk weed, sweet clover or other noxious weeds.

Proviso.

Expense
account.

SEC. 3. The said commissioner shall keep an accurate account of the expense incurred and the time employed in carrying out the provisions of section two of this act with respect to each parcel of land entered upon; and for the time so employed, he shall be entitled to charge at the rate actually paid for each and every person actually and necessarily employed while performing said duty; and when said duty shall have been performed in the destruction of Canada thistles, milk weed, sweet clover and other noxious weeds growing on resident lands or on lands of any person known to said commissioner, he shall present his claim duly certified of such charge and describing the lands whereon the same were incurred to the owner, occupant or custodian, and demand of him payment thereof. When the commissioner shall incur any expense or employ any time in the destruction of Canada thistles, milk weed, sweet clover or other noxious weeds found growing on lands as provided in section two of this act, he shall make a complete statement showing the expense and time employed, and for which time he may charge at the same

Charges.

Present
claim to
owner of
land.

Commissioner
to file ex-
pense state-
ment with
clerk.

rates as for such duties performed on resident lands, and shall file such statement with the city clerk.

SEC. 4. It shall be the duty of the city clerk to present to the committee on claims and accounts of the common council of said city, at a meeting thereof to be held at two-thirty o'clock p. m. on the last Tuesday in September in each year, all statements filed in his office pursuant to section three of this act. It shall be the duty of the said committee on claims and accounts to audit all claims for charges contained in said statements, and at such meeting it shall be the right of all parties interested therein to appear before said committee and be heard with reference to the legality and amount of such charges. Said committee shall report its findings in the premises to the common council, and the finding and determination of the common council thereon shall be final and conclusive as to the amount of such charges.

SEC. 5. The city clerk, after said allowance, shall make a statement of all such claims as shall have been so allowed with a description of the lands relative to which such charges have been allowed, to the board of assessors of said city, who shall cause the several amounts so allowed to be levied on the lands so described in a separate column in the next tax roll of said city, and which taxes so spread shall in all respects be collected and enforced in the same manner as other taxes assessed upon real estate are collected and enforced; and when the same are collected they shall be paid into the city treasury for the purpose of reimbursing said city for any expense which may have been incurred in carrying out the provisions of this act.

SEC. 6. The amount of all claims for charges and expense incurred by the commissioner of public works shall be paid from the city treasury in the same manner as other contingent charges against said city are paid.

SEC. 7. All railroad corporations owning or occupying lands within the limits of the city of Detroit shall each year between the fifteenth day of June and the first day of July, and again between the tenth day of August and the first day of September, and at any time during the year so often as shall be sufficient to prevent Canada thistles, milk weed, sweet clover or other noxious weeds going to seed, cause all Canada thistles, milk weed, sweet clover or other noxious weeds growing upon lands occupied by them to be cut down and destroyed; and in case any railroad company shall refuse or neglect to comply with the requirements specified in the first section of this act, then it shall be lawful for said commissioner to cut or cause to be cut down said Canada thistles, milk weed, sweet clover or other noxious weeds between the first and fifth days of July inclusive and between the first and fifth days of September inclusive in each year, or so often as shall be sufficient to prevent said Canada thistles, milk weed, sweet clover or other noxious weeds going to seed and endanger the spread thereof, at the expense of the corpora-

Clerk,
duties, of.

Committee
on claims
and accounts
to audit, etc.

Amounts to
be placed on
tax roll.

Charges, etc.,
paid from
treasury.

Railroads to
destroy
weeds, etc.

In case of
refusal, com-
missioner may
destroy, etc.

tion on whose lands said Canada thistles, milk weed, sweet clover or other noxious weeds shall be so cut.

Railroads,
etc., liable for
expense.

SEC. 8. All railroad companies, owners, occupants and persons having charge of any lands in said city, upon which the commissioner of public works shall have cut or cause to be cut any Canada thistles, milk weed, sweet clover or other noxious weeds, shall be liable for the cost and expense thereof, which may be recovered in a suit to be brought in the name of the city in the justices' courts in the city of Detroit, and the amount, of the claims and charges as audited and allowed by the common council shall be prima facie evidence of the correctness and reasonableness of such charges.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 585.]

AN ACT to amend section two of an act, entitled "An act to incorporate the public schools of the village of Hudson," approved March twenty-five, eighteen hundred sixty-seven, as amended.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section two of an act entitled "An act to incorporate the public schools of the village of Hudson," approved March twenty-five, eighteen hundred sixty-seven as amended, is hereby amended so as to read as follows:

Officers,
terms of, etc.

SEC. 2. The officers of said district shall consist of six trustees, whose terms of office shall be three years and until their successors are elected and qualified, two of whom shall be elected by ballot at the annual meeting of said district to be held on the second Monday in July in each year: Provided, That said district may vote to hold its annual meeting on the fourth Monday in July. Within ten days after each annual meeting the trustees of said district shall meet and elect from their own number a president, secretary and treasurer, whose powers and duties shall be severally the same as those conferred upon and required of the moderator, director and assessor of school districts in this State, except so far as the same are varied or modified by the provisions of this act. Said board of trustees shall have power to fill any and all vacancies that may occur in their number or in the officers appointed by them until the next annual meeting of the district.

Proviso.

Officers,
duties of.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 586.]

AN ACT to incorporate the city of Charlevoix, county of
of Charlevoix, State of Michigan.

The People of the State of Michigan enact:

SECTION 1. The village of Charlevoix, in the county of Incorporation.
Charlevoix and State of Michigan, is hereby incorporated into
a city of the fourth class with boundaries as follows: Boundaries. Com-
mencing on the shore of Lake Michigan, where the east and
west quarter line of section twenty-three, township thirty-
four north, range eight west, intersects the shore line of Lake
Michigan; thence east on said east and west quarter line of
section twenty-three and the east and west quarter line of
section twenty-four, township thirty-four north, of range eight
west, to the intersection of said quarter line with the shore
of Pine lake; thence southwesterly and southerly along the
shore of Pine lake to a point on said shore eight and thirteen
and one-half hundredths chains north of the east and west
quarter line of section thirty-five, township thirty-four north,
of range eight west; thence west and along the center of the
highway known as the "Stover road" to a point one hundred
thirty-two feet six inches east of the section line between sec-
tions thirty-four and thirty-five; thence south four and forty-
two and one-fifth hundredths chains; thence west one hundred
thirty-two feet six inches to section line between sections
thirty-four and thirty-five aforesaid; thence south along the
section line between sections thirty-four and thirty-five to a
point six chains south of the quarter line of said section thir-
ty-four; thence west sixteen and sixteen hundredths chains to
the center of the highway; thence north forty-two degrees
east along the center of said highway to the intersection
thereof with the east and west quarter line of said section
thirty-four, township thirty-four north, of range eight west;
thence west along said east and west quarter line of said sec-
tion thirty-four to the intersection thereof with the north and
south quarter line of said section thirty-four; thence north
along said north and south quarter line of said section thirty-
four, and the north and south quarter line of section twenty-
seven, township thirty-four north, range eight west to the in-
tersection thereof with the shore of Lake Michigan; thence
northeasterly along the shore of Lake Michigan to the inter-
section thereof with the east and west quarter line of section
twenty-three, township thirty-four north, of range eight west,
being the starting point aforesaid.

SEC. 2. The boundaries of the said city of Charlevoix, and
the jurisdiction thereof, for the purposes of police regulation
and harbor regulation, shall also include that part of Lake
Michigan described as follows, to wit: All that part of the
shore and harbor of Lake Michigan included between the Police and
harbor reg-
ulation,
boundaries of.

points marked by the intersections of the north and south section line between sections thirteen and fourteen and the north and south section line between sections twenty-eight and twenty-nine, township thirty-four north, range eight west, as per the United States survey thereof, with the shore of Lake Michigan for a distance of two miles from the line of said shore measured at right angles thereto, and such measurement in all cases to be taken from the general course of said shore, and not to follow each particular projection and indentation thereof. Also that part of the shore and waters of Pine lake lying west of the east boundary line of the township of Charlevoix extended south to the south shore of Pine lake.

Water mains
and electric
light lines,
right to
extend.

SEC. 3. The said city of Charlevoix shall have the right to extend its water mains and electric light lines one mile in any direction from the boundaries thereof, for the purpose of fire protection and furnishing of water and light to such persons as may desire the use of the same, and shall have jurisdiction over the territory reached by said water mains and said electric light lines for the purposes of police regulation and the prevention of fire.

Election,
when held,
etc.

SEC. 4. The first election in and for the said city of Charlevoix shall be held on the last Monday in June in the year nineteen hundred five, and shall be conducted by the present common council of the village of Charlevoix and as nearly as may be in accordance with the provisions of sections two thousand nine hundred sixty-seven, two thousand nine hundred sixty-eight and two thousand nine hundred sixty-nine of the compiled laws of eighteen hundred ninety-seven, being sections twelve, thirteen and fourteen of act number two hundred fifteen of the public acts of eighteen hundred ninety-five. The officers so elected shall, at once, qualify and assume the duties of their respective offices, and thereupon the village of Charlevoix shall cease to exist as a corporation and shall be superseded and succeeded by the city of Charlevoix as hereby incorporated.

Officers to
qualify.

Wards,
boundaries of.

SEC. 5. The said city of Charlevoix shall be divided into three wards, whose territory and boundaries shall be as follows:

The First ward shall contain the south half of section twenty-three, lot four of section twenty-four and all that part of sections twenty-six and twenty-seven lying and being north of Pine river (so called), Round lake and the artificial channel connecting Round lake with Pine lake and the waters of Pine lake, all said territory being located in township thirty-four north, range eight west.

The Second ward shall contain all of that part of the east half of section thirty-four included in the boundaries of the city as described in section one of this act, and all that part of the east half of section twenty-seven lying and being south of Pine river, and all that part of section twenty-six lying

north of the center line of Clinton street, extended to the east shore of Round lake, all said territory being in township thirty-four north, range eight west, as per the United States survey thereof.

The Third ward shall contain all that part of section thirty-five included in the boundaries of said city as described in section one of this act, and that part of section twenty-six, township thirty-four north, range eight west, lying and being south of the center line of Clinton street in said village of Charlevoix, as per the recorded plat thereof, extended eastward to east shore of Round lake, and west of the shore of Pine lake.

SEC. 6. The provisions of this act shall not in any way affect the organization of school district number one of Charlevoix township, but said organization shall continue in all respects as though this act had not been passed and the boundaries of said district and the property thereof shall remain and be under the exclusive control and jurisdiction of said school district number one as organized. The school tax as voted each [year] at the annual school meeting, shall be a percentage based upon the assessed valuation of the entire district for such year as shown by the assessment rolls of the township and city; and for the purpose of ascertaining the amount of such assessment rolls, each assessing officer in both the city and township of Charlevoix shall on or before the first day of July in each year render to the school board of said district certificates showing the total amount of real and personal property as assessed on their several assessment rolls. No change shall be made in such assessment rolls after the school tax shall have been voted, except those made by the State Board of Tax Commissioners and by the board of supervisors in equalizing the same. And such taxes so assessed and levied shall be collected by the township and city respectively, and by them paid to the school district upon the warrant of the director thereof in favor of the treasurer of said school district. And all delinquent school taxes of said district collected by the county treasurer and Auditor General shall be reported and paid to the treasurer of said school district. It shall also be the duty of the school board of said district on or before the first Monday in October of each year to make and file with the clerk of the township of Charlevoix a certificate showing the percentage of the taxes to be levied for the said year for school purposes, and a like certificate shall also be filed with the city clerk of the city of Charlevoix on or before the first Monday of October of each year. It shall be the duty of the supervisors of the township of Charlevoix and of the several supervisors of the city of Charlevoix to spread on their several rolls the amount of school tax shown in the certificates so filed as aforesaid.

SEC. 7. The control and jurisdiction of the swing bridge across Pine river within the corporate limits of said city of

School district act not to effect.

School tax.

Assessor to report to board.

Taxes, how collected.

Delinquent taxes.

Duties of board.

Supervisors, duties of.

Pine river bridge, control of.

Rights, etc., transferred.	Charlevoix shall on the second Monday in March, A. D. nineteen hundred six, be transferred from the township of Charlevoix to the city of Charlevoix, and thereupon the city of Charlevoix shall succeed to all the rights, privileges and duties which heretofore have been owned and enjoyed or imposed upon the said township of Charlevoix; and the bonded indebtedness now outstanding against said township of Charlevoix, represented by bonds that said township issued for the construction of said swing bridge, shall be assumed and paid, together with the interest thereon, as the same shall mature, by the city of Charlevoix, and all contracts now outstanding, made and entered into by the said township of Charlevoix in reference to the said bridge, shall be transferred to and performed by the said city of Charlevoix in the place of the said township of Charlevoix.
Indebtedness assumed by city.	
Contracts transferred.	
Public library transferred.	SEC. 8. The public library now owned and maintained by the township of Charlevoix, is hereby transferred to school district number one of the township of Charlevoix, to be by said district owned and maintained and the tax voted at the annual nineteen hundred five meeting of said township of Charlevoix for the maintenance of said library shall be included and spread as a part of the school tax of said district number one for the year nineteen hundred five, and when collected shall be used by said district for the maintenance of said library and for no other purpose whatever.
Tax for maintenance of, etc.	All money now in the treasury of the township of Charlevoix belonging to the library fund and all that prior to the time this act shall take effect, shall be collected by said township of Charlevoix, shall be transferred to said school district number one. And all taxes heretofore assessed for the maintenance of said public library shall be paid when collected to the said school district number one of said township of Charlevoix, and all fines and penalties which by law are or shall be directed to be paid into the library fund, to said district for the use of said library, and shall be by it used exclusively for the maintenance of said public library.
Moneys, taxes, fines, etc., collected to be paid to school district.	
Tax levy.	SEC. 9. The taxes voted by the township of Charlevoix at its annual meeting in nineteen hundred five, except as herein otherwise expressly provided, shall be assessed, levied and collected by said township of Charlevoix, and accounted for by it as heretofore.
City council and township board, when to meet, etc.	SEC. 10. On the second Monday of March in the year nineteen hundred six the city council of the city of Charlevoix and the township board of the township of Charlevoix shall meet at the council chambers at the city of Charlevoix for the purpose of a settlement of the finances of the two corporations, and at that time there shall be a division made between the said township of Charlevoix and the said city of Charlevoix of all of the taxes collected by the said township of Charlevoix, which were levied and assessed for said

township during the year nineteen hundred five for township expenses. And the township of Charlevoix shall pay over to said city of Charlevoix the amount of taxes so collected by it to be ascertained by a proportion which shall be as follows: As the valuation of the city of Charlevoix is to the valuation of the township of Charlevoix prior to the incorporation of the city, so is the amount of money belonging to the city of Charlevoix to the whole amount collected by the township of Charlevoix: Provided, That the above provisions of this section shall apply only to the contingent fund; such amounts in each case to be ascertained from the assessment roll of said township of the year nineteen hundred five. The amounts found to be due the bridge fund, bond interest fund and cemetery fund shall be paid by the township of Charlevoix to the city of Charlevoix. But all other moneys found in the treasury of the township of Charlevoix shall be retained by it.

Taxes collected, paid to city.

Proviso.

Amounts due bridge fund, etc., how paid.

SEC. 11. After the settlement provided for in section ten of this act, all moneys which shall be collected from taxes heretofore levied and assessed by the township of Charlevoix for the cemetery fund, the bridge fund and the bond interest fund shall be paid to the city of Charlevoix to be by it appropriated and used for the purpose for which said taxes were assessed and levied. And thereafter the control of the cemetery and bridge shall be vested in the city of Charlevoix, and all the obligations of said cemetery and bridge shall be assumed and paid by the said city of Charlevoix.

Moneys, to whom paid.

Control of cemetery, etc., in whom vested.

SEC. 12. The city of Charlevoix hereby incorporated shall, except as herein otherwise expressly provided, be governed by the provisions of act number two hundred fifteen of the session laws of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," approved May seven, eighteen hundred ninety-five, and the amendments thereto: Provided, That chapter thirty-two of said act number two hundred fifteen shall not apply to said city of Charlevoix: And provided further, That any amendment hereafter made to said act number two hundred fifteen of the session laws of eighteen hundred ninety-five aforesaid, and contained in the compiled laws of eighteen hundred ninety-seven, and being chapter eighty-eight thereof, shall not be construed to amend any of the express provisions of this act, or to modify or change such express provisions unless the legislative intent so to do is plainly evidenced by apt reference to the particular section or sections of this act intended to be changed or modified by such amendment.

City how governed.

Proviso.

Further proviso.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 587.]

AN ACT to authorize "The Union School District" of the city of Stanton, in the county of Montcalm, to borrow money for the purchase of a site, and the erection of a school building for said district, and the furnishing of the same, and to authorize said district to issue bonds and provide for the payment thereof.

The People of the State of Michigan enact:

Authority to
borrow
money, issue
bonds, etc.

School
building, etc.

Proviso.

Election,
notice of, etc.

Special
meeting.

Inspectors.

Poll list, etc.

Ballots.

SECTION 1. The union school district of the city of Stanton, in the county of Montcalm, is hereby authorized and empowered to borrow money on the faith and credit of said district and issue the bonds of said school district therefor, to an amount not exceeding twenty thousand dollars, the money so borrowed, to be used for the purchase of a site and the erection and construction of a school building for said district, and for the furnishing thereof: Provided, That a majority of the electors of said district who are qualified to vote at the annual school meetings of said district upon questions relating to the raising of money for school purposes in said district and who are present and voting upon such proposition at an annual meeting or at a special meeting called for that purpose, shall have voted therefor, and authorized a specific sum to be so raised.

SEC. 2. The board of education of said district shall submit the question of the making of such loan to the electors mentioned in section one of this act at any annual meeting of said district, or at a special meeting called for that purpose, and public notice thereof shall be given by said board of education, by publishing the same in at least one newspaper printed and circulated in the city of Stanton, in said district, at least one week before the time of such meeting, and by causing copies of such notice to be posted up in at least three public places in said district, not less than six days before the time of such meeting, which notice shall state that the electors will be called upon at such meeting to vote upon the making of such loan, naming in such notice the specific sum to be so raised; and the said board of education is hereby authorized to call a special meeting of such electors at any time in its discretion for the above named purpose, and by giving the notice aforesaid.

SEC. 3. At such annual meeting, or at the special meeting provided for in section two, the secretary and treasurer of said school district, and one qualified elector thereof, to be appointed by the board of education, shall constitute a board of inspectors and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be open four hours, after the time fixed for the meeting in the notices thereof. The board of education shall provide a suitable bal-

lot box to be used at said meeting. The vote shall be by ballot either printed or written, or partly printed and partly written, and such ballot shall be in the following form, namely: "For the loan—Yes," and "For the loan—No," and shall be deposited in a separate ballot box provided for that purpose. At the closing of the polls the said inspectors shall canvass the vote cast upon said proposition in the same manner as votes are canvassed at township elections, and shall publicly declare the result and record the same in the school district records.

Canvass of
vote.

SEC. 4. If at such meeting a majority of the qualified electors present thereat and voting upon such proposition shall vote in favor of such loan, the board of education of said district shall thereupon be authorized to borrow the amount of money so designated in the notice of said meeting and to issue the bonds of the district therefor, in denominations not exceeding one thousand dollars each, and at a rate of interest not exceeding four per cent per annum, and for a period not exceeding twenty years, which bonds shall be executed in such form, and by such officers, and in such manner as said board shall direct.

Bond issue.

Denomina-
tions, etc.

SEC. 5. If said loan is made under the provisions of this act, the board of education of said district is hereby authorized and directed to raise by tax in each year thereafter, in addition to all other school taxes, a sum sufficient to provide for a sinking fund for the payment of the principal and interest thereof, at maturity, said tax to be levied, assessed and collected, as other taxes are levied, assessed and collected.

Tax levy.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 588.]

AN ACT to legalize certain bonds issued by the village of Portland in the county of Ionia and State of Michigan, numbered from one to twenty consecutively, denominated "Village Hall Bonds," and bearing date May fifteen, nineteen hundred five.

The People of the State of Michigan enact:

SECTION 1. Certain bonds issued by the village of Portland in the county of Ionia and State of Michigan, numbered from one to twenty consecutively, denominated "Village Hall Bonds," and bearing date May fifteen, nineteen hundred five, each bond being for the sum of two hundred fifty dollars and issued for the purpose of building a village hall in said

Bonds
legalized.

village, which bonds were authorized by a vote of the electors of said village at a special election held therein on the seventeenth day of November, A. D. nineteen hundred four, are hereby made and declared legal and valid.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 589.]

AN ACT to amend section twelve of chapter eleven of an act, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section twelve of chapter eleven of an act, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, is hereby amended so as to read as follows:

Bond
issue.

SEC. 12. The common council shall have power to issue in serial form any bonds of the city of Detroit, which may have been duly authorized by law, a portion of said bonds to be retired at annual or other periodic intervals: Provided, however, That the date of final payment of said bonds shall not be later than that provided for in the act authorizing such issue: Provided further, That, for the payment of all bonds issued in the manner herein authorized, it shall be the duty of the common council to provide in the annual tax levy a sum sufficient to pay said bonds as they respectively mature.

Proviso.

Further
proviso.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 590.]

AN ACT to regulate the time of opening and closing of the polls in the second election district of the township of Greenfield in the county of Wayne at general and primary elections for State, county and township offices.

The People of the State of Michigan enact:

Opening and
closing of
polls.

SECTION 1. At all State and county elections and at all primary elections for State and county offices, the polls in the second election district of the township of Greenfield in

the county of Wayne shall open and close at the same time prescribed by law for the opening and closing of the polls at the same election in the city of Detroit.

SEC. 2. All acts and parts of acts conflicting with this act are hereby repealed in so far as they contravene the provisions of this act. Acts repealed.

Approved June 1, 1905.

[No. 591.]

AN ACT to amend sections one, three and five of the local acts of eighteen hundred ninety-three, entitled "An act to provide for placing on the retired list on reduced pay members of the metropolitan police force of the city of Detroit, who shall have become disabled or incapacitated while in active performance of official duty and members of said force and persons in the employ of the police board of the city of Detroit, who after twenty-five years of faithful continuous service shall have become permanently incapacitated from performing regular or active duty," as amended by act four hundred forty of the local acts of eighteen hundred ninety-five, approved May twenty-four, eighteen hundred ninety-five, and as amended by act number four hundred sixty-seven of the local acts of nineteen hundred one.

The People of the State of Michigan enact:

SECTION 1. Sections one, three and five of act number three hundred seventy-two of the local acts of eighteen hundred ninety-three, entitled "An act to provide for placing on the retired list on reduced pay members of the metropolitan police force of the city of Detroit, who shall have become disabled or incapacitated while in active performance of official duty, and members of said force and persons in the employ of the police board of the city of Detroit, who after twenty-five years of faithful continuous service, shall have become permanently incapacitated from performing regular or active duty," as amended by act number four hundred forty of the local acts of eighteen hundred ninety-five, approved May twenty-four, eighteen hundred ninety-five, and as amended by act number four hundred sixty-seven of the local acts of nineteen hundred one, approved June six, nineteen hundred one, are hereby amended so as to read as follows: Sections amended.

SECTION 1. Whenever a member of the metropolitan police force of the city of Detroit shall have become disabled or incapacitated while in the active performance of official duty Incapacitated members may be retired.

Retired
members,
pay of, etc.

Proviso.

Further
proviso.

Proviso.

Retired
officers, may
be reex-
amined.

Return to
duty.

Emoluments,
etc., to be
covered into
treasury.

and whenever any member of said force, who has performed faithful service as such member for a period of not less than twenty-five years, shall have become permanently incapacitated from performing such regular active duty, he may be retired by the commissioner of police from regular active service and placed upon the retired list, and when so retired shall be paid in the following manner: The superintendent, seventy-five dollars per month; chief of detectives, seventy dollars per month; deputy superintendent, sixty-five dollars per month; captains, sixty dollars per month; lieutenants, fifty-five dollars per month; sergeants, fifty dollars per month, and members of the metropolitan police force, other than those above enumerated drawing a salary of one thousand dollars and upwards per year, shall be paid fifty dollars per month; all other members of said metropolitan police force, forty-five dollars per month, if the surgeon of said force or some other competent physician, authorized by said commissioner of police and acting in the premises, shall certify to said commissioner in writing that said officer is permanently, physically or mentally incapacitated from regular active duty, which finding shall be approved by said commissioner and duly recorded: Provided, That no member of said force shall be so retired until he has been duly notified by said commissioner of his intention to so retire him and he has had opportunity of being heard in opposition thereto: And provided further, That any member of said force, deeming himself entitled to the benefits of this act, may make a written application to said commissioner for such benefits, and it shall be the duty of said commissioner to appoint a committee of four members of the police force to hear and determine such application, two of whom shall be attached to the station or precinct to which such member belongs, and the commissioner of police constituting a fifth member of such committee and if such committee of five shall determine in favor of such application then said commissioner shall retire such applicant in accordance with the provisions of this act: Provided, The surgeon of said police department by written recommendation advocates such action.

SEC. 3. Said commissioner may at any time require officers on the retired list, except those retired by reason of having served twenty-five years, to be re-examined by the surgeon of said force or some other competent physician authorized by said board to act in the premises, and if on such re-examination they are reported capable of performing regular duty, they may be required by said commissioner to return to regular duty in the same rank or grade in which they were serving at the time of their retirement and they shall not be reduced in rank and again retired until they have served at least one year in active service on full pay.

SEC. 5. All rewards and proceeds of gifts and emoluments that may be allowed by the commissioner of police to be given or paid on account of extraordinary services of mem-

bers of the police force; all unclaimed money; the proceeds arising from the sale of unclaimed property; all dog license money received for the licensing of dogs; all dog fees for the capture of vagrant dogs, and all moneys received for the sale and release of dogs of any value; all fines imposed by the commissioner of police upon members of the force for violation of rules and one per cent of salaries of all members of the metropolitan police force shall be deducted from such salary and be paid into the Detroit city treasury and used for the payment of the reduced salaries provided for in this act: Provido. That while any member of the force shall be on the retired list, no deduction shall be made from the amount of the reduced salary provided for by this act. Any Additional moneys raised by taxation. additional moneys needed for the payment of persons on the retired list shall be estimated for and raised by taxation in the same manner as the other expenses of maintaining the police force of the city of Detroit.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 592.]

AN ACT to provide for the election of public officers within the county of Livingston.

The People of the State of Michigan enact:

SECTION 1. At the regular biennial election to be held on the first Tuesday after the first Monday in November, nineteen hundred six, and each two years thereafter, there shall be elected in the county of Livingston, by the qualified electors thereof, on the regular county ticket, in addition to the county officers now elected biennially at the fall election therein, the following named officers: Officers, when elected.

- (a) County school commissioner;
- (b) Two school examiners;
- (c) County drain commissioner;
- (d) Three superintendents of the poor, except at the biennial November election in nineteen hundred six, when two shall be elected.

SEC. 2. The county school commissioner shall hold office in the county of Livingston for a period of two years and shall take the constitutional oath of office and enter upon the duties thereof on the first day of July, nineteen hundred seven, and all school commissioners hereafter elected in the county of Livingston shall likewise take their oath of office and assume the duties thereof on the first day of July next following the biennial November county elections. School commissioners, term and oath of office.

School
examiners,
term and
oath of office.

Proviso.

Further
proviso.

File bond
with county
clerk.

Clerk to report
to superin-
tendent of
public instruc-
tion.

Drain com-
missioner,
term and
oath of
office.

Proviso.

Superin-
tendents of
poor, when
elected, etc.

Proviso.

SEC. 3. The school examiners shall hold office for a term of two years and shall take the constitutional oath of office and assume the duties thereof on the first day of January next following their election: Provided, That the judge of probate of the county of Livingston shall appoint a school examiner who shall hold office for a term of fourteen months and three weeks from October ten, nineteen hundred five, or until the duly elected school examiners take their oath of office and assume the duties thereof on the first day of January, nineteen hundred seven: And provided further, That the school examiner now holding office in the county of Livingston and whose successor will be appointed at the annual meeting of the board of supervisors of the county of Livingston to be held in October, nineteen hundred six, shall hold over and continue to discharge the duties of his office until the first day of January, nineteen hundred seven, or until his successor takes the oath of office and assumes the duties thereof.

SEC. 4. The said county school commissioner so elected shall file with the county clerk of the county of Livingston his or her oath of office, and bond, as is now provided for by law, in the penal sum of one thousand dollars, conditioned that he or she shall faithfully account for and pay over to the proper person all moneys that may come into his or her hands by reason of his or her holding such office; thereupon the county clerk of the county of Livingston shall report the name and postoffice address of such school commissioner to the State Superintendent of Public Instruction.

SEC. 5. The county drain commissioner for the county of Livingston shall hold office for a term of two years and shall take and file the constitutional oath of office with the county clerk of the county of Livingston, together with the bond now required by law for the faithful performance of the duties of his office; the term of his office shall begin on the first day of January following his election: Provided, That when the term of office of the present drain commissioner of the county of Livingston expires on January one, nineteen hundred six, the Governor of the State of Michigan shall appoint his successor, who shall hold office for the term of one year or until the duly elected drain commissioner for the county of Livingston, takes the constitutional oath of his office and assumes the duties thereof on the first day of January, nineteen hundred seven.

SEC. 6. The superintendents of the poor for the county of Livingston shall hereafter be elected for a term of two years. At the regular biennial election to be held on the first Tuesday after the first Monday in November, nineteen hundred six, there shall be elected two superintendents of the poor, who shall take their constitutional oath of office and assume the duties thereof on the first day of January, nineteen hundred seven: Provided, That the judge of probate of the

county of Livingston shall appoint a superintendent of the poor for a term of one year as the successor of the superintendent of the poor now holding office in the county of Livingston and whose term of office will expire on the first day of January, nineteen hundred six: And provided further, That the superintendent of the poor now holding office in the county of Livingston and whose term of office expires on the first day of January, nineteen hundred eight, shall hold over and continue to discharge the duties of his office until the first day of January, nineteen hundred nine.

Further proviso.

SEC. 7. There shall be elected on the regular county ticket, at the biennial election to be held on the first Tuesday after the first Monday in November, nineteen hundred eight, three superintendents of the poor, and at all biennial fall elections thereafter there shall be elected in the county of Livingston three superintendents of the poor for a term of two years.

Superintendents of poor, when elected.

SEC. 8. It shall be the duty of the county clerk of the county of Livingston to make report to the Secretary of State of the election and qualification of a county school commissioner, two school examiners, a county drain commissioner and three superintendents of the poor, as a part of his report of the election and qualification of county officers.

County clerk to report to secretary of state.

SEC. 9. Whenever, by death, resignation, removal from office or otherwise, a vacancy shall occur in the office of county school commissioner, county school examiners, county drain commissioner or superintendents of the poor, the judge of probate for the county of Livingston shall appoint a suitable person to fill the vacancy for the unexpired portion of the term of office.

Vacancy, probate judge to fill.

SEC. 10. The said county school commissioner, county drain commissioner, county school examiners and superintendents of the poor of the county of Livingston shall receive the same compensation and be paid in the same manner as is now provided by law.

Officers, compensation of.

SEC. 11. An act of the local acts of nineteen hundred five, entitled "An act to provide for the election of county drain commissioner of the county of Livingston," approved April nineteen, nineteen hundred five, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved June 1, 1905.

[No. 593.]

AN ACT to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the board of education and the board of library commissioners.

The People of the State of Michigan enact:

TITLE I.

INCORPORATION—CITY AND WARD BOUNDARIES. GENERAL CORPORATE POWERS.

SECTION 1. That the municipal corporation known as "The City of Grand Rapids," shall be and continue to be a municipal corporation by the name of "The City of Grand Rapids," and by that name may sue, implead and complain in any court of record, and in any other place whatsoever, but it shall be sued, or complained of only in the superior court of Grand Rapids; it may have a common seal and alter such seal at pleasure; it may take, hold, use, occupy, possess, purchase, lease, convey, encumber and dispose of any real, personal or mixed estate for the use or benefit of said municipal corporation as authorized under this act.

DESCRIPTION OF TERRITORY.

SEC. 2. The district of country in the county of Kent and State of Michigan hereinafter particularly described, is hereby constituted and declared to be a city by the name of Grand Rapids, and subject to the municipal government of said corporation; said district of said country being bounded as follows, to wit: Beginning at the northwest corner of section eighteen, town seven north, range eleven west; thence east along the north line of said section, one mile to the northeast corner thereof; thence south along the east line of said section eighteen, one mile to the southeast corner thereof; thence east along the north line of section twenty, town seven north, range eleven west, one-half mile to the north quarter post of said section twenty; thence south along the north and south quarter line of said section twenty, to the south line of said section; thence east on the line between sections twenty and twenty-nine of said town seven north, range eleven west one-half mile to the northeast corner of said section twenty-nine; thence south two miles along the east line of said section twenty-nine and section thirty-two of town seven north, range eleven west to the south line of said town seven north, range eleven west; thence south along the east line of section five, town six north, range eleven west one mile to the southeast corner of said section; thence west

along the south line of sections five and six of town six north, range eleven west, two miles to the west line of said town six north, range eleven west; thence west one mile along the south line of section one to the southwest corner of said section one; thence north along the west line of said section one, one mile to the northwest corner thereof; thence west along the south line of sections thirty-five and thirty-four produced, of town seven north, range twelve west, one and forty-five one-hundredths miles, more or less, to the center of Grand river; thence northeasterly along the center of said river to the west line of section thirty-five produced south; thence north on the west line produced north of said section thirty-five and the west lines of sections twenty-six, twenty-three and fourteen of town seven north, range twelve west, to the quarter post of said section fourteen; thence east along the east and west quarter line of said section fourteen one-half mile to the center of said section; thence north along the north and south quarter lines of said section fourteen one-half mile to the north quarter post of said section; thence east along the north boundary of said section fourteen and section thirteen, town seven north, range twelve west, to the northeast corner of said section thirteen; thence north ten and fifty-six one-hundredths feet to the place of beginning; also so much of Grand river as is embraced within the boundaries above described.

PORTIONS OF TOWNSHIPS EMBRACED.

SEC. 3. So much of the townships of Grand Rapids, Paris, Wyoming and Walker in said county of Kent, as are embraced within the aforesaid boundaries, are hereby set off from said towns and are reorganized into the said city of Grand Rapids.

WARD BOUNDARIES.

SEC. 4. The said city of Grand Rapids shall be divided into twelve wards, as follows:

First. All that part of said city lying south of the center line of Fulton street extending to the center of Grand river and west of the center line of South Division street and east of the center of Grand river, and north of the center line of Fifth avenue in said city, and of that line extended west to the center of Grand river, shall constitute the first ward.

Second. All that part of said city lying north of the center line of Fulton street and of said center line of Fulton street extending to the center of Grand river and east of the center of said river and south of the center line of Lyon street and of said line extended to the center of said river and extended east to the city limits, as fixed by this act, shall constitute the second ward.

Third. All that part of the city lying south of the center line of Fulton street, and of that line extended east to the city limits as fixed by this act, and east of the center line of South Division street, and north of the center line of Wealthy avenue, and of that line extended east to said city limits, as fixed by this act, shall constitute the third ward.

Fourth. All that part of said city lying north of the center line of Lyon street and of said line extended to the center of Grand river and east to the city limits as fixed by this act, and south of the center line of Fairbanks street and of said line extended to the center of Grand river and easterly to the said city limits, and east of the center of Grand river, shall constitute the fourth ward.

Fifth. All that part of said city lying north of the center line of Fairbanks street and of said line extended to the center of Grand river and extended easterly to the city limits as fixed by this act, and lying east of the center of Grand river, and extended north to the north boundary of said city, as fixed by this act, shall constitute the fifth ward.

Sixth. All that portion of said city lying west of the center of Grand river and north of the center line of Seventh street, and of said line extended easterly to the center of Grand river, and extended westerly to the city limits, as fixed by this act, and extending north to the city limits, as fixed by this act, shall constitute the sixth ward.

Seventh. All that part of said city lying west of the center of Grand river and south of the center line of Seventh street extended easterly to the center of Grand river and westerly to the city limits, as fixed by this act, and north of the center line of West Bridge street and of said last line extended easterly to the center of Grand river and westerly to the city limits, as fixed by this act, shall constitute the seventh ward.

Eighth. All that part of the city lying west of the center of Grand river and south of the center line of West Bridge street extended easterly to the center of Grand river and westerly to the city limits, as fixed by this act, and north of the center line of Shawmut avenue extended easterly to the center of Grand river and westerly to the city limits, as fixed by this act, shall constitute the eighth ward.

Ninth. All that part of said city lying south of the center line of Shawmut avenue extended easterly to the center of Grand river and westerly to the city limits as fixed by this act, and west of the center of Grand river to the west city limits, as fixed by this act, shall constitute the ninth ward.

Tenth. All that part of said city lying south of the center line of Wealthy avenue and of that line extended easterly to the city limits as fixed by this act, and east of the center line of South Division street, and north of the center line of Fifth avenue and of such last named line extended easterly to the city limits, shall constitute the tenth ward.

Eleventh. All that part of said city lying south of the

center line of Fifth avenue and of that line extended easterly to the city limits, as fixed by this act, and east of the center line of South Division street, and of that line extended south to the city limits as fixed by this act, shall constitute the eleventh ward.

Twelfth. All that part of the city lying south of the center line of Fifth avenue and of that line extended westerly to the center of Grand river, and west of the center line of South Division street and of that line extended south to the city limits as fixed by this act, and east of the center of Grand river, shall constitute the twelfth ward.

EACH WARD AN ELECTION DISTRICT.

SEC. 5. Each ward shall be an election district by itself, but it shall be lawful for the common council during the month next preceding the notice of a general registration to divide the several wards of the city, or any part of them, into convenient election precincts for the purpose of holding general and special elections, and in case any ward or wards shall be divided, the provisions of the general laws of this State and of this act relating to elections other than in towns, shall be applicable, except as herein otherwise provided.

TITLE II.

ELECTION AND APPOINTMENT OF OFFICERS.

OFFICERS OF CITY (AND QUALIFICATIONS REQUIRED OF).

SECTION 1. The officers of said city shall be a mayor, city attorney, treasurer, comptroller, clerk and marshal and two aldermen from each ward. All of the aldermen of the city shall be ex-officio full members of the board of supervisors of Kent county. No person shall be eligible to any of said offices unless he shall be an elector and resident of said city, nor shall he be eligible to any office for any ward unless he shall then be an elector and resident of said ward, and when any officers hereinbefore mentioned shall cease to reside in said city or ward, his office shall thereby become vacant: Who eligible. Provided, That it shall not be competent for any city officer to hold two offices at one time, the salary or compensation for which is paid by the city government or any department thereof. But this provision shall not be construed to prevent an alderman from receiving compensation for services on the board of registration or the board of inspectors of election, or compensation for services performed on the board of supervisors, or for the duties of a supervisor performed by him, for which he shall be paid the same as other supervisors and in the same manner. Proviso. Alderman may serve on board of registration, or inspectors of election.

ELECTIONS—TIME, PLACE AND NOTICE OF.

SEC. 2. An election shall be held in each ward annually on the first Monday in April, at such place, or places, if there be more than one voting precinct in any ward, as the common council shall appoint, and a notice thereof published at least five days previous to the election, in two newspapers printed and circulated in said city and by posting printed notices of the holding of said election in at least three of the most public places in each ward or precinct, at least five days previous to said election.

ALDERMEN—TERM OF OFFICE.

SEC. 3. There shall be two aldermen elected in each of the wards of the city by the electors in such wards. Such aldermen shall be electors of the wards wherein they shall be elected and actual residents thereof; they shall be elected and hold their respective offices for two years from the first Monday in May of the year in which they are elected and until their successors are elected and qualified, and their election shall occur at the annual municipal elections held in the city except as hereinafter provided. All city officers and all aldermen of the several wards in office at the time of the passage of this act shall hold and continue therein until the expiration of their respective terms of office.

ELECTION OF ALDERMEN AND CONSTABLES.

SEC. 4. At the first annual municipal election after the passage of this act, there shall be elected one alderman in each ward by the electors thereof, to hold their respective office for the term of two years from the first Monday in May after their election and until their successors shall be elected and qualified. At the second annual municipal election after the passage of this act there shall be elected one alderman in each of said wards to hold their respective offices for a period of two years from the first Monday in May after their election and until their successors shall be elected and qualified; and thereafter at each annual municipal election there shall be elected in each of said wards an alderman for a period of two years and until their successors are elected and qualified. In each ward the alderman whose term of office shall first expire shall be designated as the senior alderman of the ward. The senior alderman shall possess all the powers and be subject to all the duties imposed upon individual supervisors by this charter or the general statutes of the State of Michigan not otherwise delegated or imposed. At said first annual election and annually thereafter, there shall be elected in each ward one constable who shall hold his office for the term of one year and until his successor is elected and qualified.

Second
annual
municipal
elections.

Senior alder-
man to
possess
power of
supervisor.

Constable,
term of
office.

ELECTION OF CITY OFFICIALS, ETC.—WHO ELIGIBLE.

SEC. 5. At the first annual election after the passage of this act and every two years thereafter, there shall be elected by the electors of the whole city, one mayor, one city attorney, one clerk of the superior court and one clerk of the police court, each of whom shall hold his office for the term of two years from and including the first Monday of May thereafter and until his successor is elected and qualified. At the second annual election after the passage of this act and every two years thereafter, there shall be elected by the electors of the whole city, one treasurer, one clerk, one comptroller, one marshal and one clerk of the justice courts, each of whom shall hold his office for the term of two years from and including the first Monday of May thereafter and until his successor is elected and qualified: Provided, That no person shall be elected or appointed to any office created by this act who shall, after June six, nineteen hundred one, have become a defaulter to said city or to the State of Michigan or to any county, city or village therein, or who shall use public funds under his control contrary to law, and any person shall be considered a defaulter who shall refuse for sixty days after demand made to account for and pay over to the officer, board or body authorized to receive the same, any public money which has come into his possession.

When
elected.Proviso as to
defaulter.

APPOINTMENT OF MEMBERS OF BOARDS AND BUILDING INSPECTOR.

SEC. 6. The mayor shall on the first Monday in May after the passage of this act, or within a reasonable time thereafter, and on the first Monday in May of every succeeding year, or within a reasonable time thereafter, appoint all members of the different boards not herein otherwise provided, in the manner and for the time hereinafter set forth. He shall on the first Monday in May, nineteen hundred five, or within a reasonable time thereafter, and on the first Monday in May in every second succeeding year, or within a reasonable time thereafter, nominate a building inspector, to be confirmed by the common council, who shall hold his office for the term of two years and until his successor is appointed and has qualified, whose duties and powers shall be prescribed by the common council.

Members of
boards.Building
inspector.

MAYOR'S SECRETARY.

SEC. 7. He may on the first Monday in May, nineteen hundred five, or within a reasonable time thereafter, and on the first Monday in May in each succeeding year thereafter, appoint a secretary, who shall receive such annual salary as may be fixed and determined by the common council, not to exceed one thousand dollars, to be paid in the same manner as the salaries of city officials. The mayor is authorized at any time when he shall deem it advisable, to remove said

May remove
secretary.

secretary from office, and appoint his successor; statement of such appointment, removal or revocation shall, when made, be filed in the office of the city clerk.

ELECTION OF HIGHWAY COMMISSIONERS.

Term of office,
duties, salary,
etc.

SEC. 8. The aldermen elect of the common council on the first Monday in May after the passage of this act, or within a reasonable time thereafter, and on the first Monday in May in every second succeeding year, or within a reasonable time thereafter, shall elect three highway commissioners, whose terms of office shall be two years, and until their successors are elected and qualified, and whose duties and salaries shall be prescribed by the common council.

VACANCIES.

SEC. 9. Whenever a vacancy shall occur in any appointive office under the provisions of this act, or in any office elective by the aldermen of the common council under such provisions, the same shall be filled in the manner hereinafter provided.

WHEN OFFICES MAY BE DEEMED VACANT, AND HOW FILLED.

Mayor, city
attorney, etc.

Alderman.

Failure to
qualify.

SEC. 10. An office shall be deemed vacant upon the death or resignation of the incumbent or upon such incumbent ceasing to possess the qualifications of an elector of the ward or city, or upon impeachment or removal from office, or upon the failure of an officer elected to qualify. The office of mayor, city attorney, city treasurer, comptroller, clerk and marshal shall be deemed vacant whenever the incumbent thereof shall be impeached or removed as in this charter provided, or shall be absent from the city for a period of thirty days without leave of the common council, or shall not perform the duties of his office for a like period without such leave. The office of alderman shall be deemed vacant whenever the incumbent thereof shall cease to be a resident of the ward from which he was elected, or fails to attend four consecutive regular meetings of the common council, unless excused by the common council or mayor first obtained, or shall be removed from office; but a change of the boundaries of any ward shall not be deemed a change of residence of any alderman so as to create or cause any vacancy in such office. A vacancy in any office caused by the failure of any person elected to qualify therefor as prescribed in this charter, or made consequent upon the judgment of any court or upon any failure to elect or qualify in any of the cases specified in this charter, must be filled in the following manner, unless otherwise specially provided in this act:

(a) In the office of alderman, by an election of the common

council to continue until the appointee's successor shall be elected and qualified.

(b) In any of the general elective offices of the city, by an election by the common council until the successor of such officer whose office has become vacant, shall have been elected at the next general municipal election and qualified.

(c) In all appointive offices by the appointment of the mayor for the unexpired term of office which has become vacant, subject to confirmation by the council in those cases where confirmation is required of the original appointment.

REMOVAL FROM OFFICE.

SEC. 11. Any elective or appointive officer of the city, except judges or justices of the peace, may be removed by the common council for official misconduct, or for unfaithful or improper performance of the duties of his office, or because such officer is ineligible to hold the office for which he was elected or appointed. The steps taken in that behalf shall be entered in the records of its proceedings: Provided, That a copy of the charges against such officer sought to be removed, and notice of the time and place of hearing the same, shall be served on him at least ten days previous to the time so assigned, and opportunity given him to make his defense thereto. If personal service cannot be had upon such officer, a copy of such charges and notice aforesaid shall be left at his last place of residence within the city with some suitable person of proper age. An affirmative vote of two-thirds of all the aldermen-elect shall be necessary to remove such officer. Judges and justices of the peace of the city shall be removed for such cause and in the manner provided for by the statutes of the State.

Proviso,
notice to
be served.

OPENING AND CLOSING OF POLLS.

SEC. 12. On the day of any election, except primaries, the polls shall be open in each of the respective precincts of each of the wards of said city at the several places designated by the common council at seven o'clock in the forenoon, or as soon thereafter as may be, and shall be continued open until five o'clock in the afternoon of the same day and no longer: Provided, That voting machines may be used in any ward or precinct if so ordered by the common council.

Proviso.

WHO ARE QUALIFIED TO VOTE.

SEC. 13. All persons who are electors under the constitution of the State of Michigan, are made electors under this act and qualified to vote at all elections held by virtue thereof, and they shall be subject to the same challenge and required to take the same oath as may be provided by the laws of the State; and for any violation thereof shall be subject

to the same pains and penalties as are prescribed by the State law.

BOARDS OF ELECTION INSPECTORS.

Who to
constitute.

Proviso.

SEC. 14. The aldermen residing in each ward of the city and as many as necessary of the electors of such ward as the common council shall appoint, shall constitute a board or boards of inspectors of election of such ward. Each board of election inspectors shall consist of four members: Provided, That in any ward or precinct where voting machines shall be used, not more than three members shall be chosen. Each voting precinct in a ward shall have a board of inspectors of election therein. The common council shall have power to designate the number of electors which shall constitute a voting precinct, which voting precincts shall be as nearly uniform in number of electors as possible. No person shall be a member of a board of inspectors of election out of the ward in which he resides, and no candidate for election shall so serve; and each member of such boards before entering upon its duties shall take and subscribe the constitutional oath of office. The members of each of such boards after the appointment of its chairman, shall appoint two competent persons, electors of the ward, as clerks of election who shall take the prescribed constitutional oath of office before entering upon their duties, to be administered by any person authorized to administer oaths or by the chairman of the board of which they are clerks.

BOARDS OF REGISTRATION.

Number to
constitute,
duties of.

SEC. 15. There shall be a board of registration for each voting precinct in the city consisting of two members, which the common council shall appoint and whose duties shall be such as are now provided, or as may hereafter be provided by the statutes of the State governing such boards in cities, and each member of such board of registration, before entering upon the duties of the office, shall take and subscribe the constitutional oath of office, except at times of general registrations such board shall not be in session to exceed one day.

WHEN BOARDS OF INSPECTORS AND REGISTRATION TO BE APPOINTED.

SEC. 16. All members of the respective boards of inspectors of election and registration shall be appointed at least six days before they enter upon their respective duties as members of such boards, excepting that vacancies may be filled by the common council.

**ELECTION INSPECTORS TO BE INSPECTORS FOR STATE, COUNTY
AND MUNICIPAL OFFICERS.**

SEC. 17. Inspectors of election, as specified in the preceding sections, shall be inspectors of elections held in the several voting precincts of the city, for the election of State, county and municipal officers.

BOARD OF ELECTION COMMISSIONERS.

SEC. 18. The common council shall appoint three electors of the city at least ten days before any municipal election in said city, to act as a board of election commissioners of the city for the purposes of such election. Such board shall perform all duties relative to the preparation and printing of ballots required by law of the boards of election commissioners of counties, and like duties and privileges as are enjoined and granted by the laws governing general elections.

BALLOTS, PRINTING AND CARE OF.

SEC. 19. The names of candidates shall be given by the canvassing board of primary election or the party committees in said city to said board not less than ten days before any such municipal election. Said board shall cause to be printed on one ballot the names of candidates aforesaid. All candidates of any party shall be placed in a separate column under the title of such party, and under the device of such party, if any such device shall have been furnished to said board by the party committee. The proof copy of the ballot shall be open to inspection at the office of the city clerk not less than two full secular days before such election, and it shall be the duty of said board to correct such errors as may be found therein by such inspection. The ballots shall be of uniform size and of the same quality of white paper and sufficiently thick that the printing cannot be distinguished from the back. The ticket of the party having the greatest number of votes within the city at the last preceding general election therein shall be placed first on the ballot, the position of other tickets to be governed relatively by the same rule. Said ballots when printed shall be deposited by said board with the city clerk, who shall securely keep the same where they cannot be molested by anyone.

Proof copy.

Size and
quality.

Party placed
first.

**BALLOTS—DELIVERY OF—CERTIFICATE FOR—COUNTING AND CAN-
VASSING OF.**

SEC. 20. It shall be the duty of the chairman or any member of the board of election inspectors of each voting precinct in the city to appear at the office of the city clerk, not more than forty-eight hours before the hour of opening of

Packages to
be sealed.

Seal.

the polls of any such municipal election, and the said city clerk shall deliver to him in a sealed package the ballots and other material provided for his precinct. The necessary number of ballots shall be wrapped and tied in packages and securely sealed with wax, and the chairman of said board of election commissioners, or some member thereof authorized therefor by said board, shall make and sign a certificate setting forth the number of ballots in each package, and that such ballots were packed and sealed by himself personally, and upon delivery of such package and certificate to said inspector of election, he shall receipt for the same, and such certificate shall be returned and filed in the office of the city clerk when the return of the number of votes cast in such precinct shall be made by said inspectors of election. For the safe sealing of such ballots said commissioners of election shall provide themselves with a seal of such design as they may deem proper. Said packages shall not be opened until delivered to the boards of election inspectors of the respective voting precincts to which they were directed after said boards shall be fully organized and ready for the reception of votes, as in this title provided. The method of counting such votes shall be in conformity with the statutes of the State regulating the counting of ballots at general elections, in force at the time of such election. Municipal elections and all other elections in the city shall be conducted under the provisions of the statutes of the State in force at the time of such election, including the return of the ballots cast thereat, except as herein otherwise provided. But all ballots cast at any municipal election shall be officially canvassed by the common council sitting as a board of canvassers.

BALLOTS FOR BONDING PROPOSITIONS.

SEC. 21. Whenever a question of bonding the city, or other special question is proposed to be voted upon by the electors of the city, the substance of such question shall be clearly indicated upon the ballot, and below the same upon the ballot shall be placed in separate lines the words, "Yes" or "No." The elector shall designate his vote by a cross (X) placed opposite the word "Yes" or the word "No."

IN FILLING VACANCIES—TERM OF OFFICE TO BE DESIGNATED ON BALLOT.

SEC. 22. If at any election to be held in said city there shall be one or more vacancies to be filled in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for for the said office shall be designated on the ballot.

COUNTING OF BALLOTS BY INSPECTORS—STATEMENT OF VOTES.

SEC. 23. Immediately after the closing of the polls the inspectors of election shall forthwith, without adjournment, publicly canvass the votes received by them and declare the result, and shall on the same or next day make a certificate stating the number of votes cast for each person for each office, and shall file such statement and certificate on the day of election, or on the next day with the clerk of the city.

DUTIES OF INSPECTORS OF ELECTION.

SEC. 24. It shall be the duty of the inspectors of election on receiving the ballot of an elector to cause the same, without being opened or inspected, to be deposited in its proper box provided by the common council for that purpose. The board of inspectors of election shall cause the name of each elector voting at any such election to be written down on poll lists to be kept by the clerks of election under the supervision of said board. The votes cast at such election shall be canvassed in the same manner as provided by the general laws of the State in force at the time such election shall be held.

WHO DEEMED ELECTED.

SEC. 25. The person having the greatest number of votes for any office in said city or ward shall be deemed to have been duly elected to such office, and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall by ballot elect such officer from the candidates.

CANVASS OF VOTES BY COUNCIL—COMMENCEMENT OF TERMS OF OFFICE.

SEC. 26. The common council shall convene on the Thursday next succeeding such election at seven-thirty o'clock p. m. at their usual place of meeting, and the statement of votes filed with the clerk of the city by the inspectors of election shall be produced by such clerk, and the common council shall forthwith determine and certify in the manner provided by law what persons are duly elected at said election to the several offices, respectively. Such certificates shall be made in duplicate, one of which shall be filed with the clerk of the city and the other with the clerk of the county of Kent. All officers of the city, elected or appointed, shall enter upon the duties of their respective offices on the first Monday in May next following such election, unless otherwise provided.

NOTIFICATION OF OFFICERS ELECTED—OATH OF OFFICE.

SEC. 27. It shall be the duty of the clerk of said city as soon as practicable, and within five days after the meeting of the common council as provided for in the preceding section, or within five days after the appointment of any officer or his election in any way, to notify the officers respectively of their election; and the said officers so elected or appointed and notified as aforesaid, shall within twenty days after the date of such notice take the constitutional oath of office, and file the same with the clerk of the city, together with any bond which they may be required by law to execute and file as such officers.

SPECIAL ELECTIONS.

SEC. 28. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of election in the wards or precincts in which such officers are chosen, a notice signed by them specifying the officer to be chosen, and the day and place at which such election is to be held. All the proceedings at such election shall be the same as at the general municipal elections.

ACCEPTANCE OF OFFICE.

SEC. 29. Every person elected or appointed to a city office, and every person appointed or nominated by the mayor, and confirmed by the aldermen elect of the common council, and every person elected by the aldermen elect, before entering upon the duties of his office, and within five days after being notified of his appointment or election, shall cause to be filed in the office of the city clerk, a notice in writing, signifying his acceptance of such office.

IN CASE ACCEPTANCE, OATH, ETC., ARE NOT FILED.

SEC. 30. If any person elected or appointed under this act shall not take and subscribe the oath of office required therein, and file the same as directed, or shall not cause a notice of acceptance to be filed as therein directed, and if required, shall fail to execute and file an official bond as therein required, the same shall be deemed to be a refusal to serve, unless before any steps are taken to fill any such office by another incumbent, such oath of office and acceptance are filed and such bond executed and filed as may be required.

CITY CLERK TO NOTIFY COUNCIL OF FILING OF OR FAILURE TO FILE
ACCEPTANCE, OATH, ETC.

SEC. 31. At the expiration of twenty days after the election or appointment of any officer in said city, the city clerk

shall deliver to the common council a list of all the persons elected or appointed to office, and of the offices to which they are chosen, specifying such as have filed with him the oath of office or notice of acceptance required by this act, together with the bond, if any such bond is required by this act, and also those who shall have omitted to file the same within the time prescribed herein.

RESIGNATION OF OFFICERS.

SEC. 32. Resignations of any officer elected by the common council, or at a municipal election, shall be made to the council and subject to its approval and acceptance; resignations of officers appointed by the mayor with or without confirmation by the council, shall be made to him and when accepted by him, shall be filed with the city clerk.

RESIDENCE OF VOTERS.

SEC. 33. At all elections every voter shall vote in the ward or precinct wherein he shall have resided twenty days next preceding the day of election at which he casts his vote. The residence of an elector under this act shall be the ward and precinct where he boards or takes his regular meals.

VACANCY ON BOARD OF ELECTION INSPECTORS.

SEC. 34. At any election held under this act, if, from any cause, any of the inspectors of election shall fail to attend at any such election at the appointed time and place, his or their places may be supplied for the time being by the electors present who shall elect inspectors from their number viva voce, who, when so elected, shall take the oath prescribed for inspectors.

PAY FOR REGISTRATION AND ELECTION BOARDS—ELECTION EXPENSES.

SEC. 35. The several members of the boards of registration of said city and of inspectors of election therein shall receive for their services in that regard the sum of three dollars per day. For such work eight hours shall constitute a day's work. The expenses of any election to be held as provided in this act shall be city charges and defrayed in the same manner as other contingent expenses of the city.

OFFICERS TO HOLD OVER IN CASE OF SUCCESSOR FAILING TO QUALIFY. TERM OF OFFICE FOR PERSON FILLING VACANCY.

SEC. 36. Any person elected or appointed to any office, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and

qualified; and when a person is elected at a regular or special election to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the term of said office and until his successor shall be elected and qualified.

REGISTRATION.

General re-registration. SEC. 37. There shall be a general re-registration of the electors of the city of Grand Rapids in the year nineteen hundred eight, in time for the general fall election of that year. There shall also be a general re-registration of the electors of said city every four years thereafter. The re-registration provided for in this section shall be conducted in accordance with the provisions of the registration laws of the State in force at the time that such re-registration shall take place.

DATE OF MUNICIPAL ELECTIONS.

SEC. 38. The first regular municipal election held in the city after the passage of this act shall be on the first Monday of April, nineteen hundred six, and the same shall be held in the manner provided for by this act. A municipal election shall be held in said city on the first Monday of April in every year thereafter.

TITLE III.

POWERS AND DUTIES OF THE COMMON COUNCIL.

MEETING OF COUNCIL—HOW AND WHEN SPECIAL MEETINGS MAY BE CALLED.

Notice of meeting.

SECTION 1. The mayor and aldermen of said city shall constitute the common council; they shall meet at such times and places as they shall from time to time appoint, and on special occasions, whenever the mayor or person officiating as mayor (in case of vacancy in the office of mayor or of his absence from the city or inability to officiate), shall by written notice appoint, which said notice shall be served on the members of said common council by the marshal of said city personally, or by leaving the same at the residence of said members at least eight hours before the hour of said meeting, which said notice shall specify the day, hour and place of meeting: Provided, That any ten members of the common council may call a special meeting thereof by filing a written request signed by them with the city clerk, notice thereof to be given in the manner above prescribed.

Proviso.
Ten members
may call
special
meeting.

PRESIDENT OF COUNCIL.

SEC. 2. The common council shall on the first Monday in May in each year, or within ten days thereafter, elect by ballot one of its number, who shall be known as president of the council, and who shall have the same powers and discharge the duties of the mayor, in the absence from the city, inability, death, resignation or removal of the mayor. The mayor, when present, shall preside at the meetings of the common council, and in his absence the president of the council shall preside, but if both the mayor and president of the council be absent, then the common council shall appoint one of its number to preside.

Who may
act in absence
of mayor.

ACTIONS OF COUNCIL—WHEN TO TAKE EFFECT—MAYOR'S VETO—
CLERK'S DUTIES RESPECTING SAME.

SEC. 3. No ordinance, vote, motion or resolution passed by the common council shall have any force or effect if within twenty-four hours after its passage the mayor, or other officer legally discharging the duties of mayor, shall file in the office of the city clerk, his reasons in writing why the same should not go into effect, and the same shall not go into effect or have any legal operation unless it shall at a subsequent meeting of the common council within thirty days after the filing of such reasons for disapproval be passed by the affirmative vote of two-thirds of the aldermen elect of said city, and if so repassed the same shall go into effect according to the terms thereof; and no ordinance, vote, motion or resolution of the common council shall go into operation until the expiration of twenty-four hours after its passage, unless the mayor, or other officer legally discharging the duties of mayor, shall sooner announce his approval, in writing, to be filed with the city clerk. When an ordinance appropriating money contains several items, and when an ordinance embraces more than one distinct subject, the mayor may approve the provisions relating to one or more items or one or more subjects, and disapprove the others. In such cases those items or subjects which he shall approve, shall become operative, and those which he shall not approve shall be reconsidered by the common council and shall only become operative if again passed by it as above provided. Whenever the mayor, or other officer so acting, shall as in this section provided, file in the office of the city clerk his written reasons why any ordinance, vote, motion or resolution passed by the common council should not go into effect, the city clerk shall endorse thereon a memorandum of the day and hour of the receipt thereof. Such written reasons shall be printed and published in the next issue of an official newspaper of said city, and shall be a public record open at all times to public inspection. It shall be the duty of the city clerk to communicate to the common council at its next

meeting any paper that may be filed with him pursuant to the preceding section.

WHO ENTITLED TO VOTE.

Casting vote. SEC. 4. In the proceedings of the common council each member present shall have one vote, except the mayor, who shall only have a casting vote when the votes of the other members are equally divided, but the president of the council shall vote only as a member of said council, and shall not have a casting vote.

CLERK'S MINUTES OF COUNCIL.

SEC. 5. The sittings of the common council shall be public. The minutes of the proceedings shall be kept by the clerk and the same shall be open at all times to public inspection.

WHICH RESOLUTIONS, ETC., TO BE ENTERED AT LARGE IN MINUTES.

SEC. 6. Whenever required by two members of the common council the votes of all the members present in relation to any act, proceeding or proposition had at any meeting thereof shall be entered at large on the minutes. And such votes shall be entered in relation to the adoption of any resolution or ordinance, report of any committee, or other act for taxing or assessing the citizens of said city, or involving the appropriation or expenditure of public moneys.

QUORUM OF COUNCIL—RESTRICTION AS TO VOTING ON FRANCHISE GRANTS, ETC.

Proviso. SEC. 7. A majority of the common council shall be a quorum for the transaction of business, and no tax or assessment shall be ordered, or any vote taken or resolution passed, the carrying out of which involves the expenditure of money, the ordering of a tax or assessment, except by an affirmative vote of a majority of all the members elect of the common council as decided by a yea and nay vote. The final passage of any ordinance imposing a penalty or the granting of a license shall require the affirmative vote of a majority of all the aldermen-elect of the common council as decided by a yea and nay vote: Provided, That no ordinance, or franchise grant, whether an original grant, extension or amendment thereto, and no contract involving the expenditure of more than twenty-five thousand dollars, except contracts for street improvements, shall go into effect for thirty days after its passage by the common council and approval by the mayor or re-passage over his veto, and if within that period

electors to the number of twelve per cent. of the votes cast at the last preceding regular city election petition for the submission of such ordinance, franchise grant or contract to the vote of the people, then such proposed measure shall not go into effect unless submitted to the popular vote at a regular or special election and approved by a majority of the electors voting thereon: Provided, however, That the provisions of this section shall apply to any contract involving the expenditure of more than ten thousand dollars, except contracts for street improvements if it is to be submitted to popular vote at a regular election.

POWERS OF THE COMMON COUNCIL.

GOVERNMENTAL AND LEGISLATIVE POWERS.

SEC. 8. The common council shall have and exercise exclusively all legislative powers and authority of the city of Grand Rapids, and no legislative powers or authority express or implied shall be exercised by any other person or persons, board or boards, other than the common council, and all legislative powers conferred upon the city by this charter and the constitution and laws of the State of Michigan shall be exercised by the common council: Provided, ^{Provido.} That this act shall not interfere with the exercise of the powers and duties conferred upon the board of education of the city of Grand Rapids.

SUBJECTS FOR LEGISLATION.

SEC. 9. Subject to the limitations and provisions in this charter contained the common council may make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as it deems desirable, with proper penalties, within the said city, and shall have power to legislate for the following purposes:

OFFICERS—DUTIES OF—BONDS, ETC.—COMMON COUNCIL TO BE JUDGE OF OWN MEMBERS, ETC.

SEC. 10. To prescribe the duties of all officers appointed or elected by it, their compensation, the penalty or penalties for failing to perform such duties, the bonds and sureties to be given by the officers of said city for the discharge of their duties and the time for executing the same in cases not otherwise provided for by law. The common council shall be the judge of the election and qualification of its own members and to decide upon and determine contested elections of members thereof; to compel the attendance of absent members; to determine the rules of its proceedings and to pass all by-laws and rules necessary and convenient for the transaction of business, not inconsistent with the provisions of this act.

OFFICERS, ELECTION OF, ETC.

SEC. 11. To provide for and regulate the election and appointment of all officers and for their removal from office, and the filling of vacancies.

FEES, ETC.

SEC. 12. To authorize and regulate the demand and receipt by officers of fees and costs in such cases as the common council may deem desirable.

APPROPRIATE MONEY, ETC.

SEC. 13. To appropriate money and provide for the payment of the debt and expenses of said city, and make regulations concerning the same.

PRINTING AND PUBLISHING.

SEC. 14. To provide for printing and publishing all matters required to be printed and published under the provisions of this act or by order of the common council in such manner as said council may prescribe.

PARKS AND PUBLIC BUILDINGS.

SEC. 15. To provide for public parks, public grounds and squares, and improvement of the same, subject, however, to the provisions of Title XI of this act. May enact all needful ordinances and regulations for the protection and control of all parks, boulevards, cemeteries and other public grounds or places belonging to the city, whether within or without the boundaries thereof.

PURCHASE AND SALE OF REAL ESTATE, ETC.—MAINTENANCE OF
JAILS, WORK HOUSES, ETC.

SEC. 16. The common council shall have power by vote of two-thirds of all the aldermen elect to purchase and sell real estate for the use of the city. It shall also have power to purchase, hold and use suitable grounds within or without the corporate limits of the city and maintain thereon suitable jails, penitentiaries, houses of correction, work houses for the confinement of offenders, alms houses and homes for orphans or destitute children, and may provide for the government of the same and all persons confined therein.

CONTRACTS—TERM OF.

SEC. 17. To provide for entering into contracts by the city for a period of not exceeding three years including con-

tracts for depositing city funds, except as in this charter otherwise provided.

FINANCE AND REVENUE POWERS.

TAX FOR SEWERS.

SEC. 18. To assess, levy and collect an annual assessment or tax upon the real and personal property of the city for the purposes of cleansing and keeping in repair the public sewers of said city.

LEVY AND COLLECTION OF TAXES.

SEC. 19. To assess, levy and collect taxes for the purposes of the corporation upon all property made taxable by law for State or city purposes, which taxes shall be a lien upon the property taxed until paid, and provide means for carrying into effect the powers herein conferred; to make regulations for the assessing, levying and collecting of such taxes subject to the State law, and to sell the property taxed to pay the taxes thereon.

POWERS RELATIVE TO PUBLIC HEALTH, WELFARE AND SAFETY.

ABATEMENT OF NUISANCES.

SEC. 20. To abate or remove all nuisances of every kind and compel the abatement and removal of the same; to order and compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall or shop, soap factory, tannery, stable, barn, stall, business of hides and pelts, livery stable, privy, water closet, hog pen, sewer or other nauseous or unwholesome house or place, to cleanse, remove or abate the same from time to time, and as often as the common council may deem necessary. To direct the location of all slaughter houses, rendering places, markets and market places, business of hides and pelts and livery stables. To prohibit any person from bringing or depositing any dead carcass or other unwholesome or nauseous substance within the limits of the city. If any person or persons shall have on any premises owned or occupied by him, her or it, within such limits, any such substances, or any putrid meat, fish, hides or skins of any kind which are unwholesome, nauseous or offensive, the common council may order or compel the removal thereof, and in case of the neglect or refusal of the owner or occupant of such premises to remove and abate the same, to direct the removal, abatement or destruction thereof by some proper officer of the city. The expense of abating any such nuisance shall be a lien upon the land upon which it existed, and the amount of the same shall be placed in the nuisance roll hereinafter provided. Nothing

Expense of
abating
nuisance, a
lien.

in this act contained shall be construed to limit the powers of the city as set forth in act number one hundred twenty of the public acts of one thousand nine hundred three.

PUBLIC HEALTH—BIRTHS, DEATHS, ETC.—SMOKE AND DUST
NUISANCE.

SEC. 21. To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, prevent the introduction or spreading of contagious or infectious diseases, and to prevent and suppress diseases generally. To regulate the burial, cremation or transportation of the dead and compel the return of births and deaths to be made to its board of health, and the return of all burial permits to such board, and provide for a complete record of births and deaths and interments, to be kept in the office of its board of health, and in each and every other particular to compel compliance with the laws of the State of Michigan in this regard and to compel the abatement of smoke and dust.

Burial
permits.

CONSTRUCTION OF SEWERS, BRIDGES, ETC., IN PUBLIC STREETS—
REGULATION OF SANITARY CONDITION OF PRIVATE PREMISES AND EXPENSE OF SAME.

SEC. 22. To establish, construct, maintain, repair, enlarge and discontinue within the highways, streets, avenues, lanes, alleys and public places in said city such bridges, culverts, sewers, drain and lateral drains and sewers as the common council may decide to be necessary. To compel the owners and occupants of all lots, premises and subdivisions thereof within said city to construct private drains and sewers therefrom to connect with some public sewer or drain. To regulate house draining and ventilation; to direct and regulate the location, construction and alteration of all cellars, slips, barns, private drains, cess-pools, sinks, privies and water closets; to compel all owners or occupants of houses or premises to drain, cleanse, alter, relay or repair sinks, privies and water closets, and to compel owners or occupants of houses or premises having water closets attached thereto to use water from the mains of the city to properly cleanse the same, and to compel the owners or occupants of houses or premises to repair or renew all defective, broken or worn out plumbing, and to provide sufficient and proper ventilation and plumbing in and around their buildings and premises, or cause the same to be done by some proper person designated in the ordinance governing the same, and if done by the city, to assess the expense thereof on the lot, building or premises having such cellar, slip, barn, private drain, cess-pool, sink, privy or water closet thereon, or having the repairs, renewals or insufficiencies in the drainage, ventilation or plumbing made in the building or on the lot

or premises, which assessment shall be a lien on the said lot, building and premises and appurtenances thereto until paid, the same to be collected in the manner and in accordance with the provisions of Title VI. of this act for the assessment of the expense of constructing and repairing side-walks; to direct and regulate the construction of lateral sewers or drains for the purpose of draining all lots, cellars, yards, low grounds and sinks within the city whenever necessary: Provided, That if such lateral sewer or drain be laid or constructed through any of the streets, lanes, alleys, courts, avenues, public grounds or public places, adjoining or in front of the premises through which such sewer or drain shall be ordered constructed, the expense thereof shall be assessed on such lots and premises benefited thereby, which assessments shall be a lien upon such lots and premises until paid, and shall be collected in the same manner as like assessments imposed by authority of the common council are collected: Provided further, That the common council shall have the right, upon the vote of two-thirds of the members elect thereof, to construct sewers, when found a matter of necessity for the better sanitation and drainage of the city, outside of the city limits, the expense thereof to be paid from the general or contingent fund, and when constructed or in process of construction, the supervision and control thereof shall be with the common council; said sewers to be constructed under like contracts and supervision as sewers within the city limits of Grand Rapids: Provided further, That for the location of such sewers the common council may secure by purchase lands outside of the said city, and it may take in the circuit court for the county of Kent the necessary steps under the general laws of the State to condemn such lands as may be required for their location.

Proviso,
lateral
sewer.

Further
proviso,
sewer con-
struction out-
side city.

Further
proviso.

GOVERNMENTAL AND POLICE POWERS.

PUBLIC PEACE—DISORDERLY HOUSES—SALE OF LIQUORS, RESTRICTION AS TO LOCATION, POOL AND BILLIARDS.

SEC. 23. To prevent vice and immorality, to preserve public peace and good order; to prevent and quell riots, disturbances, disorderly assemblages and gaming houses; to destroy all instruments and devices used for gaming; to prohibit all fraudulent devices used in gaming and to regulate or restrain billiard tables and bowling alleys; to restrain, license and regulate saloons or other places where intoxicating liquors or malt, brewed or fermented liquors are sold, or to be sold, given away, or otherwise disposed of, and to regulate and prescribe the location thereof. To create by ordinance such district or districts, within which, subject to the foregoing provisions and limitations, all bars, saloons and clubs where intoxicating liquors are disposed of, may be confined.

SALOON LICENSE—SALE OF LIQUORS.

Proviso,
state tax.Further
proviso.

SEC. 24. To forbid the vending or disposition of intoxicating liquors in violation of the laws of the State. No person shall engage in the business of selling intoxicating or spirituous liquors, or malt, brewed or fermented liquors as aforesaid (except druggists, who shall have complied with the State law), until he shall have first obtained a license therefor by the vote of two-thirds of all the aldermen elect of the common council: Provided, That no license shall be issued to any person for the selling of any such liquors as aforesaid until he shall have first paid the State tax for the sale of the same, and the license fee required to be paid by the city of Grand Rapids: And provided further, That the applicant for such a license shall first apply to the board of police and fire commissioners of the city of Grand Rapids, and said board shall make such recommendation thereon to the common council as it shall deem proper, and such recommendation shall be filed with the city clerk within fifteen days of the receipt of such application.

CIRCUSES AND OTHER PUBLIC PERFORMANCES.

SEC. 25. To prohibit, restrain or regulate all sports, exhibition of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances.

DRUNKARDS, BEGGARS, ETC.

SEC. 26. To restrain drunkards, vagrants, mendicants and street beggars from soliciting alms and to punish them for so doing, and provide for the punishment of all persons drunk or disorderly on the streets, or public places of said city.

DOGS—GAME COCKS.

Dog license.

SEC. 27. To regulate and prevent the running at large of dogs; to prevent dog fights in the streets; to prevent the fighting of game cocks in the city, and to provide for the destruction of dangerous and vicious dogs; to require the payment of a license fee by the owner or persons having possession of dogs, and for imposing a penalty upon such person or persons for refusing to pay such license fee.

RIOTS AND DISORDERLY ASSEMBLAGES.

SEC. 28. To prohibit and prevent any riot, rout, disturbance or disorderly assemblage in the streets or elsewhere in the city, and to preserve quiet and order therein.

INDECENT EXPOSURE OF PERSON—OBSCENE PICTURES, ETC.

SEC. 29. To prohibit or prevent in the streets or elsewhere in said city indecent exposure of the person, the show, sale or exhibition for sale of indecent or obscene pictures, posters, drawings, engravings, paintings and books, and all indecent or obscene exhibitions or shows of any kind.

HOUSES OF ILL FAME—GAMBLING AND SUPPRESSION OF LOTTERIES, ETC.

SEC. 30. To prohibit and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, and disorderly houses of all kinds; to restrain and punish the keepers of all such houses and places as aforesaid; to punish common prostitutes and disorderly persons; to prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding or abetting in the management, use or practice thereof. To prohibit, restrain or prevent persons from gaming for money or property with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or other instruments or device whatsoever in any building or place in the city, and to punish the persons keeping the building, instrument or means for such gaming, and to compel the destruction thereof. To prevent, prohibit and suppress all lotteries or raffles for drawing and disposing of money or other property or thing whatever, and to punish all persons maintaining, directing or managing the same or aiding in the maintenance, direction or management thereof.

LICENSE OF DRAYMEN, HACKMEN, RUNNERS AND VEHICLES FOR HIRE.

SEC. 31. To license and regulate draymen, cartmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, stages, carriages, sleighs, automobiles, express vehicles and vehicles of every description used and employed for hire, and to fix and regulate the amount and rate of their compensation. To prescribe and designate the stands, places and locations in the city within which all such conveyances and vehicles as aforesaid may stand, and to prescribe the stands, places and locations in which all wood, hay, straw, produce, goods, wares and merchandise of whatever nature, exposed for sale on the streets, alleys or public places of the city.

LICENSE AUCTIONEERS, PEDDLERS, PAWNBROKERS, LABOR BUREAUS, BILL POSTING, ETC.

SEC. 32. To license and regulate auctions and auctioneers, hawkers, peddlers, pawnbrokers, junk dealers, dealers in sec-

ond hand goods and merchandise and transient tradesmen; to license and regulate employment agencies and offices, intelligence offices, labor bureaus and all persons whose business it is to find employment for others for hire or reward, to require references and bonds to be given, by every person, company, corporation or association engaging in such business before the same shall be licensed; to license and regulate bill posting, the putting up of advertising signs or matter, and the distribution of such matter in the city.

LICENSE HOTELS, SALOONS, RESTAURANTS, BUTCHERS, HUCKSTERS.

SEC. 33. To license and regulate hotels and other public houses, saloons and victualing houses or places for the furnishing of meals or food. To license and regulate butchers, hucksters, shops, stalls, booths or stands, or other places in said city, for the sale of any kind of meat, fish, poultry, vegetables, food or provisions.

TAX AND REGULATE KEEPERS OF BILLIARD TABLES, ETC., NOT KEPT FOR PURPOSE OF GAMING.

SEC. 34. To tax and regulate billiard or pool tables, bowling alleys where charges are made for the use thereof and when not kept for the purpose of gaming.

CARS (RUNNING OF) REGULATIONS AS TO SPEED—FLAGMEN, STATIONING OF, ETC.

SEC. 35. To prescribe and regulate the speed of cars and engines on railroads, street or electric cars, within the limits of said city, and prohibit railroad cars from standing across or otherwise obstructing the streets of said city. To determine and designate the route and grade of any railroad to be laid in said city; to regulate the use of locomotives and cars upon railroads within the city, and to compel the owners and managers of any railroad to station flagmen at street crossings, and make such other rules and regulations concerning such railroads as may be necessary for the safety of the citizens of said city.

LICENSES—DURATION OF—REVOKING OF—BONDS FOR.

SEC. 36. To authorize the granting, issuing and revoking of licenses in all cases where licenses may be granted and issued under this act and the ordinances of the city. To direct the manner of issuing and registering the same and prescribe the sums of money to be paid therefor into the city treasury. No license shall be granted for more than one year and before the issuance thereof the licensee shall execute a bond to the city in such penal sum as the common council may prescribe, with one or more sureties conditioned for the

faithful observance of this act and the ordinances and regulations of the common council of said city. The officer authorized to issue said license may inquire into the sufficiency of the sureties of such bonds by an examination under oath or otherwise as to their property and responsibility. All licenses shall terminate on the first day of May following their issuance.

PENALTIES—TO BE PRESCRIBED—SENTENCES, ETC.

SEC. 37. To provide for the punishment of all offenders for violations of or offenses against this act or the ordinances of said city enacted pursuant to the powers herein conferred, or any act of the legislature, by holding to bail for good behavior, by imposing fines, penalties, or forfeitures and costs, by imprisonment in the jail of Kent county, or in any penitentiary, house of correction, jail or workhouse in the city, or in any State house of correction or in the Detroit house of correction, or by both fine and imprisonment in the discretion of the court before whom a conviction may be had, and to contract with the authorities of such institutions to this end. All punishments for offenses against any of the ordinances of the common council shall be prescribed in the ordinances creating or specifying the offense to be punished, and no penalty, fine or forfeiture shall exceed the sum of five hundred dollars, exclusive of costs, and no imprisonment shall exceed the period of one year. If only a fine, penalty or forfeiture with costs be imposed the offender may be sentenced until the payment thereof for a term not exceeding six months.

To be
prescribed
in ordinance.

WORK—TO BE PROVIDED—AND IMPOSED—IN NON-PAYMENT OF
FINES, ETC.

SEC. 38. To provide for the employment of all persons confined for the non-payment of any fine, penalty or forfeiture, or for any offense under this act, or any ordinance of the common council, in the common jail of the county of Kent, or in any jail, workhouse, or house of correction in said city at work or labor, either within or without the same, or upon the streets of said city, or any public work under the control of the common council, to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by work or labor, and to fix the value and rates for such work and labor.

STREETS.

OBSTRUCTION OF.

SEC. 39. To prevent the cumbering of streets, highways, sidewalks, cross-walks, lanes, alleys, courts, public grounds or public places, bridges, viaducts, aqueducts, wharves or slips in any manner whatever.

RIDING—DRIVING AND CARE OF VEHICLES AND HORSES.

SEC. 40. To require any horse or other animal attached to any vehicle or standing in any of the streets, lanes, alleys, highways, courts, public places or public grounds of said city, to be securely fastened, watched or held, and to secure the proper driving of the same through such streets, lanes, alleys, courts, public grounds or places; to prevent horse racing or immoderate riding or driving in any such streets, lanes, alleys, courts, public grounds or public places either with horses, carriages, automobiles, bicycles or other vehicles; to authorize the stopping and detaining of any person violating any of the provisions of this subdivision, and to provide for the punishment of any such person.

SIDEWALK—OBSTRUCTIONS OF—SNOW, ETC.

SEC. 41. To compel all persons to keep sidewalks in front of premises owned or occupied by them clear from dirt, wood or obstructions, and every owner or occupant of any house or building and every owner or agent of any lot in the city of Grand Rapids, to keep said sidewalks free and clear from snow or ice, and not to permit such snow or ice to remain thereon.

DISTURBING NOISES IN STREETS—RINGING OF BELLS—CRYING OF WARES.

SEC. 42. To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and prevent disturbing noises in the streets.

ESTABLISHMENT OF LOT LINES—ADVERSE POSSESSION—VACATION OF.

SEC. 43. To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to prevent such buildings or other encroachments being erected nearer the street than said line, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars: Provided, That no person, persons, firm or corporation shall by reason of adverse possession, be entitled to any street, lane, alley, public place, square or any part thereof by reason of any occupancy created or claimed by adverse possession made by virtue of said occupancy: Provided further, That the common council shall not by virtue of this or any other subdivision of this charter possess power to give away the control of any street, lane, alley, court, public square or place, or create any permanent use thereof for any other purpose than for street or public purposes, except by regular vacation proceedings.

Proviso.

Further proviso, not to give away control of street, etc.

LIGHT IN STREETS AND PROTECTION OF APPARATUS.

SEC. 44. To provide for and regulate the lighting of streets, highways, alleys, lanes, courts, public places and grounds and buildings in the city, by contract or otherwise, and provide for the protection of public lands and lighting apparatus placed thereon.

DISPOSAL OF STREET REFUSE.

SEC. 45. To sell or otherwise provide for the disposal of all dirt, filth, manure, cleanings, and all other substances lying in or gathered from the highways, streets, avenues, lanes, courts, alleys and public places and grounds of said city.

**STREETS—CLEANING OF—REGULATE AND LIMIT USE OF SIGNS,
AWNINGS—PREVENT INJURY TO CURBS, PAVEMENTS,
TREES, ETC.**

SEC. 46. To provide for and regulate the cleaning of the highways, streets, avenues, lanes, alleys, courts, public places and grounds, crosswalks and sidewalks in the city; to prohibit, regulate and control the exhibition of signs on canvass or otherwise, in or upon any vehicle standing or moving upon the streets of the city; to control, prescribe and regulate the mode of constructing and suspending signs and awnings; to prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, courts, public grounds and public places within said city shall be used, and for the preservation thereof and the prevention of injury to the curbs, gutters, pavements, sidewalks, trees, streets, lawns and parks therein.

**TO PREVENT AMUSEMENTS DANGEROUS TO LIFE AND PROPERTY—
REMOVAL OF WALLS, FENCES, ETC.**

SEC. 47. To prohibit all practices, amusements and doings in said streets having a tendency to frighten teams and horses, dangerous to life or property, and punish persons indulging therein; to remove or cause to be removed therefrom, or from the premises adjacent thereto, all walls and structures liable to fall therein; and to provide for and regulate the erection and use of suitable hitching posts and blocks.

**STREETS, SURVEY OF—ENCROACHMENTS—BARBED WIRE FENCES—
PLANTING AND PRESERVATION OF SHADE TREES—PENALTIES.**

SEC. 48. To survey and establish the boundaries of the city, highways, streets, avenues, lanes, alleys, courts, public parks, squares, public grounds and public places; to prohibit

and remove all incumbrances and encroachments on the same by buildings, fences, or in any other manner; to prohibit the use of barbed wire or other dangerous material for fences on street lines and to regulate its use in other places in said city; to number buildings, regulate the planting, preservation and removal of shade, ornamental or other trees in the public streets, avenues, courts, public grounds and public places, and the trimming and care thereof, and the trimming and care of trees adjoining thereto, in such manner as not to interfere with public travel or obscure public lights thereon, and to require the same to be done at the expense of the owner of the premises adjoining the same, and if such owner shall refuse or neglect after reasonable notice so to do, to conform to such regulations, to cause the same to be carried out and enforced at the expense of the city, and assessed upon and to become a lien upon such adjoining premises until paid, and the same may be collected in the manner and in accordance with Title VI. of this act for the assessment of the expense of constructing and repairing sidewalks.

STREETS—SPRINKLING OF—ALTERATION OF—APPROPRIATION OF
PROPERTY FOR PUBLIC USES.

SEC. 49. The common council may by ordinance or otherwise, provide for the sprinkling of the public streets, highways, lanes, alleys and courts, the expense thereof to be paid from the highway fund. It may provide for the punishment of all persons who shall encumber and encroach upon the same. The common council shall have full power to lay out, establish, open, extend, widen, straighten, alter, close, fill in, grade, vacate or abolish any street, highway, lane, alley, court, public place or public ground in said city, or any sewer therein; to grade any such highway, street, lane, alley, court, public ground or public place whenever it shall deem it a necessary public improvement, and private property may be taken therefor in the manner provided in this act, or by the general laws of the State.

EMINENT DOMAIN.

SEC. 50. To appropriate private property for public use in the city of Grand Rapids for streets, alleys, parks, boulevards, cemeteries, public buildings, bridges or bridge approaches, docks, slips, basins, landings and warehouses on Grand river, and for the improvement of water courses for sewers, drains, ditches, public hospitals, pest houses, quarantine grounds and public cemeteries. Such property may be acquired by the city of Grand Rapids either by purchase through the common council or condemnation for public use in the manner provided for by the general laws of the State relating to the taking of private property for public use in cities and villages: Provided, That the council may by a

majority vote, relieve the property, which has contributed one-half of the street, from paying an assessment for the half opposite.

MISCELLANEOUS.

MARKETS—VENDORS OF MEATS, FRUITS, ETC., SALE OF MILK—LICENSES FOR—PROVIDING FOR INSPECTION AND FOR SEALER OF WEIGHTS AND MEASURES.

SEC. 51. To establish and regulate the markets and market places of said city; to regulate the vending of hay, straw, fodder and other food of animals; to regulate the vending of meats, poultry, vegetables, fruit, fish, flour, salt, milk and all other food or food products, and all kinds of groceries sold at wholesale or retail, in packages or otherwise, and to prescribe the time, manner and place for selling the same. To prohibit the sale of every kind of nauseous, unsound or unwholesome meat, poultry, vegetables, fruit, fish, flour, meal, salt, milk and all other food or food products, and all kinds of provisions sold by wholesale or retail; to punish all persons who shall sell the same or offer or keep the same for sale. To compel all persons selling milk or keeping the same for sale in said city, to procure a license therefor and to be properly registered. To direct and regulate the inspecting and weighing of all meat, poultry, vegetables, fruit, fish, flour, meal, salt, milk and all food or food products, and all kinds of groceries and provisions sold at wholesale or retail in packages or otherwise. To direct and regulate the measuring, gauging or weighing of all groceries, food or food products, liquid or solid, sold by measure, at wholesale or retail in packages or otherwise. To regulate the weights and measures used in said city, and compel every merchant, retailer, trader and dealer in merchandise, groceries, provisions or articles of every description which are sold by measure or weight to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be made conformable to the standard of weights and measures established by the general laws of the State. To direct and regulate the inspecting and measuring of wood, lumber, shingles, timber, posts, stone, heading and all building material, the inspecting, weighing and measuring of coke and all kinds of coal, and the inspecting of hay, straw, fodder and other food products for animals. To impose a reasonable license fee upon the persons engaged in any of the aforesaid lines of business: Provided, That nothing herein contained shall authorize the common council to restrain in any way or license the sale of fresh or wholesome meat by the quarter within the limits of said city; nor to prohibit any farmer selling without a license the products of his own farm within said corporate limits, or any person from selling articles or products of his own growth or manufacture. Noth-

ing herein contained shall be construed to authorize the inspection, weighing or gauging of any article or product which is to be shipped beyond the limits of this State, except at the request of the owner thereof, or of the agent having charge of the same.

**SEXTONS—UNDERTAKERS—SCAVENGERS, CHIMNEY SWEEPS—LAWS
AND LICENSE FOR.**

SEC. 52. To pass all needful laws and regulations governing sextons and undertakers for burying the dead, and to regulate the business of scavengers and chimney sweeps and their compensation and the fees to be paid by them for licenses.

**PARKS, BOULEVARDS—DRIVEWAYS, ETC.—COMMON COUNCIL POWER
IN PURCHASING AND MAINTAINING OF—TAKING OF
PRIVATE PROPERTY FOR SAME.**

SEC. 53. The common council shall have power by the concurrent vote of two-thirds of all the aldermen-elect to obtain by purchase, or gift, and to hold, improve and properly maintain real estate within the limits of the city for park, driveway and boulevard purposes. It shall also have power to lay out, establish, improve and embellish, hold, control and maintain parks, driveways and boulevards without the corporate limits of the city whenever it shall be deemed by the common council, on the concurrent vote of two-thirds of all the aldermen elect, that the same is a necessary public improvement for the benefit of the city, and private property may be taken therefor in the manner provided in this act, or by the general laws of the State.

**PURCHASE OF PROPERTY FOR OPENING AND WIDENING OF STREETS,
ETC., BY RESOLUTION OF COUNCIL—WHO TO BE ASSESSED—
DECLARING OF DISTRICT.**

SEC. 54. Whenever the common council shall determine by resolution that the opening, extension, widening, altering, or straightening of any street, highway, lane, alley, court, public ground or public place, or the construction of any sewer in said city, is a necessary public improvement, or that the taking of lands for parks or for sites for any of its public buildings, or for docks or dockage purposes, is a necessary public improvement, and that it is necessary to take private property therefor, it shall be lawful for said common council to negotiate with the owner thereof for the purchase and conveyance of the same to the city, and to devote the same to the public use described in the resolution, and to no other purpose. In case any such negotiations shall result in the sale and conveyance of such private property to said city for the public use described in said resolution, it shall be lawful for

the common council, if it believes that a portion of the real estate in said city adjacent to or in the vicinity of such improvement will be benefited by such improvement, to determine the same by an entry in its minutes to that effect of the amount of benefits that will accrue to such property in the immediate vicinity, and to determine and declare that the whole or any just proportion of such purchase price shall be assessed upon the owners of real estate deemed to be thus benefited, which determination and declaration shall be entered in its minutes; and it shall thereupon by resolution fix, determine and declare the district or portion of real estate in said city deemed to be benefited thereby, and specify the amount to be assessed upon the owners of such taxable real estate therein.

PROPERTY TO BE ASSESSED ACCORDING TO BENEFITS—TO BECOME A LIEN.

SEC. 55. The amount of the benefit thus ascertained shall be assessed upon the owners of such taxable real estate in proportion as near as may be to the advantage which the same shall be deemed to be benefited by such improvement. The general laws of the State of Michigan relating to the assessment and compensation awarded by jury for property taken for public purposes in cities, and villages of this State, and the acts amendatory thereof, and all proceedings incident thereto, shall apply to the assessments to provide for the payment of such purchase price so far as the same can be made applicable under this act. Said assessments shall be and remain a lien upon the real estate so assessed until they are paid.

COMMON COUNCIL BY ORDINANCE—COVER AND GUARDING OF MILLRACE.

SEC. 56. The common council shall also have power by ordinance or otherwise to require owners or occupants of any millrace to cover or otherwise guard the same with bridges, arches or fences to be constructed of good and durable material, or it may direct the same to be covered in the manner that other public improvements are directed to be made and pursuant to the provisions of Title VI. of this act so far as the same are applicable.

WHEN COUNCIL CAUSES SAME TO BE DONE—TO BECOME A LIEN.

SEC. 57. Whenever the owner or occupant of any millrace shall refuse or neglect, within such reasonable time as the common council shall have appointed, to cover such millrace in the manner and with the material directed by it, it shall be lawful for the common council to cause the same to be done at the expense of the city, and the same shall become

a lien upon the mill property to which said millrace is adjacent until paid. Such expense shall be assessed upon such mill property and collected in accordance with the provisions of Title VI. of this act for the assessment and collection of the expense of constructing and repairing sidewalks.

ORDINANCE CONTAINING PENALTY—WHEN EFFECTIVE.

SEC. 58. Any ordinance of the common council imposing a penalty shall not take effect until the expiration of one week after the first publication thereof in one of the official newspapers in said city.

CLERK'S RECORD—CERTIFIED—PRIMA FACIE EVIDENCE.

SEC. 59. A record or entry made by the clerk of said city, or a copy of such record or entry, duly certified by him shall be prima facie evidence of the time of such first publication, and all laws, regulations and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board, in which it shall be necessary to refer thereto, either from the record itself, or from a certified copy made by the clerk of the city, with the seal of the city affixed thereon, or from the volume of ordinances printed by the authority of the common council.

FISCAL YEAR—FILING OF STATEMENTS BY DEPARTMENTS.

SEC. 60. The fiscal year of the city of Grand Rapids shall end upon the last day of March in each year, and the new fiscal year begin upon the first day of April in each year after this law shall take effect. And upon the last Tuesday of April of each year the various boards and the head of each and every department of the city, shall make and file with the city clerk a full and complete statement of the business of said several boards and said several departments during the last year and accounts thereof, including all disbursements and receipts of said boards and departments.

ANNUAL STATEMENT BY COUNCIL.

SEC. 61. On the last Tuesday in the month of April in each year, the common council shall audit and settle the accounts of the city treasurer and the accounts of all other officers and persons having claims against the city or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of

taxes raised for the general contingent expenses; the amount raised for lighting and policing the city; the amount of high-way taxes and assessments for opening, paving, planking, repairing and altering streets, and building and repairing bridges; the amount borrowed on the credit of the city and the terms on which the same was obtained, and a summary of the reports of the several boards and heads of departments of the city together with such other information as shall be necessary to a full understanding of the financial conditions of the city.

STATEMENT TO BE SIGNED BY THE MAYOR AND CLERK AND
PUBLISHED.

SEC. 62. The said statement of the common council of accounts as audited and settled shall be signed by the mayor and clerk and filed with the clerk of the city, and published by the clerk at the expense of the city in the official proceedings.

CITY ELECTRICIAN—INSPECTOR OF GAS, COUNCIL TO APPOINT.

SEC. 63. The common council shall have power to appoint an inspector of gas meters and gas, and to fix the quality of gas furnished in the city, both in regard to its lighting and heating power, and to establish a standard of gas to be sold within the city, and to regulate so far as may be necessary in the interest of the public the delivery of said gas to customers therefor; to appoint a city electrician and an examiner of engineers and of stationary engines within the city; to prescribe their power and duties and fix their compensation, and to regulate the manner of the operation of engines within such bounds as may be necessary for the public protection.

DUTIES OF BUILDING INSPECTOR—COUNCIL TO PRESCRIBE.

SEC. 64. The common council shall prescribe the duties of the building inspector and fix his compensation. It shall provide regulations for the construction and repair of buildings and may restrict the height of buildings within the city, and the proportion or space of any lot or lots that may be covered with buildings; it may require by ordinance plans and specifications of proposed buildings to be submitted to the building inspector under the rules and regulations of the common council, and may collect a reasonable fee for the inspection of all buildings to be erected or repaired. The building inspector shall be vested with and possess the powers conferred on boards of building inspectors under the general laws of the State.

EXPENSE TO BE BORNE BY OWNER FOR REPAIRS, ETC., ORDERED BY
INSPECTOR.

SEC. 65. In case any expense is incurred by the city of Grand Rapids in pursuance of any action or recommendation of its building inspector in relation to any building while in the discharge of his duties such expense shall be a personal charge against the owner of such building and may be collected of him in the name of the city of Grand Rapids in any competent court having jurisdiction thereof, and in case any expense is incurred by said city in abating or removing a public nuisance growing out of the condition or location of a building, such expense shall be a personal charge against the owner of such building and may be collected of him in the name of the city in the superior court of Grand Rapids. In either of the foregoing cases such expense so incurred by the city shall be and remain a lien upon such building, and the premises upon which the same may be located, and the appurtenances thereto, until such expense is paid; and such expense may be assessed upon such building and premises and appurtenances thereto, and collected in accordance with the provisions of Title VI. of this act for the assessment and collection of the expense of constructing and repairing sidewalks.

DISTRICT WHERE CERTAIN BUILDINGS PROHIBITED.

SEC. 66. Any building composed of wood or other combustible material, erected in or removed into any part or portion of said city, wherein the erection or removal of such building is prohibited by any ordinance of the common council, shall be deemed and is hereby declared to be a public nuisance, and the common council may take measures to abate and remove the same.

RESTRICTIONS AS TO BUILDINGS DEEMED HAZARDOUS AND THOSE
CONSIDERED NUISANCES.

SEC. 67. The common council may prevent and prohibit the location or construction or maintenance of buildings for the storing of gunpowder, powder factories, tanneries, distilleries, building for the manufacture of turpentine, camphene and all other dangerous or explosive substances; slaughter houses and yards, butchering shops, soap, candle, starch and glue factories; establishments for steaming or rendering lard, tallow, offal and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous or unwholesome business may be carried on, within certain limits within the city, to be determined by the common council. Such buildings, factories, shops and establishments as aforesaid now existing or here-

after to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings and establishments usually regarded as hazardous in respect to fires, shall be subject to such regulations in relation to their construction and management as the common council shall make for the preservation of the health, safety and property of the inhabitants of said city, and to prevent the same from becoming in any way public nuisances. The common council may take all necessary measures to prevent annoyances to the public and protect all persons in the city from injury to their health and property caused by the discharge of dense smoke into the atmosphere.

TO PREVENT CERTAIN BUILDINGS IN FIRE DISTRICT.

SEC. 68. The common council may prohibit and prevent the location or construction of any wooden or frame house, store, shop, building or brick veneer structure on such streets, alleys and places, or within such limits in the city as it may from time to time prescribe; and prevent or regulate the removal of wooden or frame buildings from any part of said city to any lot or location on such streets, alleys and places within such limits, and the rebuilding or repairing of wooden or frame buildings on such streets, alleys and places within such limits when damaged by fire or otherwise.

REGULATIONS TO PREVENT FIRES, ETC.—COMMON COUNCIL MAY LICENSE INSPECTION OF ENGINES AND BOILERS.

SEC. 69. The common council may regulate the construction of partition fences, partition and parapet walls, the walls of buildings, the thickness of walls, and regulate the construction of chimneys, hearths, fire places, fire arches, ovens and the putting up of stoves, stovepipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and fix the fees therefor; to compel and regulate the construction of ash houses and the deposit of ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same may be in a dangerous condition and to cause such as are in a dangerous condition to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle or suspicious persons; to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom; to license and regulate engineers of stationary engines within

the corporate limits of the city, and to regulate the inspection of boilers of stationary engines therein.

WIRING IN STREETS AND BUILDINGS TO BE REGULATED BY ORDINANCE—BUILDING OF CONDUITS AND RENTAL OF.

SEC. 70. The common council shall have the power to regulate by ordinance the business of stringing wires in the streets and public places of said city for the purpose of conducting electric currents, and regulate the business of wiring buildings for conducting electric currents into and through the same; to provide a series of conduits under the streets, lanes, alleys and public places of the city, or any part or parts thereof, for the use of telephone, telegraph, electric light and other wires, or for other purposes, either by constructing the said conduits or authorizing their construction by others on such terms and conditions as the common council may impose, and to regulate and control the use of such conduits and prescribe and establish reasonable rentals to be paid by any person or company using any of said conduits by whomsoever the same may be constructed for the use thereof, and to provide for the collection of such rentals in addition to the ordinary processes by such summary methods as it may deem proper. If any such grant be made to any person, firm or corporation, such grantee shall not have the power to sublet the same or the use of the same to any person, firm or corporation engaged in selling, hiring, leasing or otherwise receiving any income from the business or purposes for which it desires to use such conduits without such person, firm or corporation first obtaining, as provided in this act, a franchise for such business, purpose or use. The common council shall also have the power to cause persons engaged in the erection and maintenance of such wires and the wiring of buildings to submit plans and specifications in that regard to the city electrician for his approval thereof.

SETTLING OF ACCOUNTS BY CITY.

SEC. 71. The common council shall settle and allow all accounts and demands properly chargeable against said city, as well to its officers as other persons, and have authority to provide means for the payment of the same, and for defraying the contingent expenses of said city subject only to the limitations and restrictions in this act contained.

BONDS AND BONDED INDEBTEDNESS—PROVISION FOR PAYMENT OF.

SEC. 72. The common council shall in each year provide for the payment of the interest on the bonded debt and all other liabilities drawing interest, by taxation levied upon the real estate and personal property in the city not exempt from taxation by the general laws of the State, and upon all the per-

sonal property of residents of the city not exempt from taxation by such general laws, if other resources are insufficient, and it shall provide for the prompt payment of such indebtedness or other liabilities as they mature. The common council may issue new bonds for the purpose of meeting the principal of said matured bonds bearing interest at not to exceed five per cent. per annum, and not having more than twenty years to run, and dispose of the same, or it may in its discretion levy and collect a tax not exceeding two mills on a dollar, in any one year on the real and personal property in the city as aforesaid to apply on such bonded indebtedness.

BONDING FOR PUBLIC BUILDINGS, BRIDGES, ETC.

SEC. 73. For the purpose of purchasing sites for and constructing a city almshouse, city hall, city market, or any other public building, or for constructing or rebuilding bridges or viaducts within the corporate limits of the city of Grand Rapids, the common council may borrow on the faith of the city such sums of money for any such purposes aforesaid, as it may deem expedient for a term not exceeding twenty years and at a rate of interest not exceeding five per cent. per annum, and for such purpose it may issue the bonds of the city signed by the mayor and countersigned by the city comptroller, in such form and sums as the common council may direct. Such bonds shall be disposed of under the direction of the common council of the city upon such terms as it deems advisable, but not for less than the par value thereof, and the avails shall be used for the purpose for which the same were issued and for no other purpose.

QUESTION OF BONDING TO BE SUBMITTED TO ELECTORS—
EXCEPTIONS.

SEC. 74. Nothing in the preceding section shall be so construed as to authorize the incurring of any such bonded indebtedness against the city, except as otherwise expressly provided for in this act, unless the qualified electors of the city, voting in their respective wards upon the question of bonding the city for any such purpose at any regular election, or at a special election called for the purpose of voting upon such question, shall have authorized the incurring of such bonded indebtedness by a majority of their votes cast on any such question: Provided, That bonds issued for the purpose of renewal of former bonds or loans and bonds issued to raise money for the current expenses of the city, authorized by this act, and street or sewer improvement or school bonds need not be submitted to the electors as aforesaid.

Proviso,
submission
to electors.

BONDS—LIMIT OF BORROWING—CURRENT EXPENSES—PAID FOR BY ASSESSMENT.

SEC. 75. The common council may borrow temporarily on the faith of the city a sum not exceeding fifty thousand dollars in any one year, at a rate of interest not exceeding five per cent. per annum, for the purpose of paying that portion of the expenses and liabilities of said city for the current year, which, for any reason, the revenues thereof shall not be sufficient to meet, which said amount so borrowed shall be assessed and collected in the general assessment roll for the ensuing year, and for such purpose may issue the bonds of the city for a period not longer than one year, signed by the mayor and countersigned by the comptroller, and with the seal of the city affixed thereto, and in such form and for such sums, under the limitations herein contained, as the common council shall direct; and such bonds shall be disposed of under the direction of said common council, upon such terms as it shall deem advisable, but not for less than their par value, and the avails thereof shall be applied to the purposes in this section mentioned only.

BORROWING OF MONEY BY COUNCIL.

SEC. 76. It shall not be lawful for the common council, except as herein otherwise provided, to borrow money or authorize the creation of any liability or indebtedness against said city in any one year exceeding in the aggregate the amount which, by this act, may be raised by tax for such year, and in case any sum or sums of money shall be borrowed by the common council in any one year, or any officer thereof shall enter into any contract or contracts for the payment of moneys binding upon said city, the same shall be paid out of the sums raised by tax for such year, if the payment thereof is not otherwise provided, and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever; but nothing in this act contained shall be construed to prohibit said common council from making assessments and levying and collecting taxes for the purposes of local improvements.

TAXATION FOR MEETING LIABILITIES INCURRED BY CITY.

SEC. 77. For the purpose of defraying the expenses and meeting the non-interest bearing liabilities incurred by the city, and for highway and sewer purposes, and for the purpose of creating and replenishing the funds provided for in this act, the common council may raise annually by taxation levied upon the real and personal property in the city, not exempt from taxation by the general laws of the State, and upon all the personal property of residents of the city not

exempt from taxation by such general laws, such sum as it may deem necessary, not exceeding one per cent. on the valuation of the real and personal property according to the valuation taken from the assessment rolls for the year preceding the levying of such tax; the sum or sums of money to be raised shall be proportioned between the several wards of the city in the manner in this act specified: *Provided, That* such limitation shall not apply to the raising of any sum of money necessary to be raised by taxation upon such real estate and personal property for the purpose of paying the principal of any bonded indebtedness of the city, arising from a loan for the term of a year or years, or the interest thereon, or both principal and interest according to the terms of such indebtedness. *Proviso.*

BUILDINGS, FENCES, ETC., CONSIDERED DANGEROUS TO BE REMOVED BY ORDER OF COUNCIL.

SEC. 78. Whenever, in the opinion of the common council, any fence, building, erection of any kind, or any part thereof is liable to fall whereby persons and property are endangered, it may order the owner of the real estate upon which such building, fence or other erection stands, to take down the same, or any part thereof, within such time as it may require. In case such order is not complied with the city may cause the same, or any part thereof, to be taken down at the expense of the city on account of the owner, and assess the expense thereof on the real estate on which such building, fence, or erection stood, and enforce payment thereof in accordance with the provisions of Title VI. of this act. In case the owner of the real estate is a non-resident of the city, the order, if not immediate in its terms, may be served upon any occupant of the real estate, or if there is no occupant thereof, the same may be published in one of the official papers of the city for such time as the common council may direct, or posted in some conspicuous place on said premises.

CITY PRINTING—HOW TO LET.

SEC. 79. The common council of the city shall annually in the month of April contract with the publisher or publishers of one or more daily or weekly newspapers published and circulated therein, to do the printing of said city, or some portion thereof, which contract shall be let, if to weekly newspapers, to the lowest bidder therefor, of the proprietor of the weekly newspaper or such weekly newspaper as the council may select from such bidders; and if to a daily newspaper, to the lowest bidder therefor, of the proprietor of the daily newspapers in said city. It shall be discretionary with the common council to let one part of said printing to a weekly newspaper and other parts to a daily newspaper of

said city. Such newspaper or newspapers, during the continuance of such contract shall be known as the official newspaper or newspapers of the city. In letting such contracts the common council shall have power to reject any or all bids therefor, whenever in the judgment of a majority of said common council the public interests of the city may require.

EVIDENCE OF TITLE TO REALTY—MAPS, ETC.

SEC. 80. It shall be the duty of the common council to adopt by ordinance or otherwise, such measures as it may deem expedient to perpetuate the evidence of title to real estate in said city, by the preservation of maps, plats, records and papers relating thereto or by duly certified copies thereof, which when certified to and filed as prescribed by ordinance or otherwise, shall be received in evidence in all courts and proceedings.

MARKET AND PUBLIC BUILDINGS AND GROUNDS IN CHARGE OF COUNCIL—EXCEPTIONS.

SEC. 81. The common council shall have charge and control of the market buildings and market grounds of the city and of all public buildings and the grounds thereof, and of all other public grounds and public places in the city (except public school buildings and public school grounds or other properties, which under this act are especially given to the control of municipal boards of the city, and also except as provided in Title XI. of this act). It shall be the duty of the common council to keep said buildings and the grounds thereof in such shape and repair as will conduce to the convenient and profitable use thereof. The common council shall have power to employ all needful help upon such grounds and places and in such buildings as it may deem necessary for the proper care and supervision of the same, and also expend such moneys in relation thereto as it may deem advisable.

FIREWORKS, GUNPOWDER, FIREARMS, ETC.—USE AND CARE OF—BONFIRES.

SEC. 82. The common council may regulate the buying, carrying, storing, selling and using of gunpowder and fire crackers and fireworks manufactured or prepared therefrom, and all other combustible or explosive substances; the exhibition of fireworks, the discharge of firearms, and the lights in barns, stables, and other buildings, and restrain the making of bonfires at any place within the limits of the city.

NIGHT WATCHMEN—HAZARDOUS BUILDINGS.

SEC. 83. The common council shall have power by ordinance or otherwise to require the owner or occupant of any building in the city, which is extra hazardous in respect to fire, to provide a night watchman for such building, at the expense of the owner or occupant, such night watchman to be on duty during such portions of the year and during such hours as the common council shall designate in any given case. If such owner or occupant shall refuse or neglect to pay for the service of such watchman for sixty days after the time for payment fixed by the common council has passed, the city may cause payment for such service to be made and the sum so paid shall be a lien upon the building and premises upon which it is situated until paid; and such sum shall be assessed upon such building or premises and collected in accordance with the provisions of Title VI. of this act.

COLLECTION OF ASSESSMENTS.

SEC. 84. In all cases where the ordinances or resolutions of the common council shall require anything to be done in respect to the property of the several persons in the manner provided for in the preceding sections, the expense thereof may be included in one assessment and the several pieces of real estate, in respect to which the several expenses shall have been incurred, shall be briefly described in the manner required in the assessment roll for the general expenses of the city, the sum of money assessed to each owner of real estate shall be the amount expended in performing such work upon such real estate, together with a ratable proportion of the expenses of assessing and collecting the money expended in performing the work on said several pieces of real estate as aforesaid. The collection of the assessments specified in the preceding sections of this title shall be made in accordance with the provisions of Title VII. of this act.

TITLE IV.

FRANCHISES AND MUNICIPAL OWNERSHIP.

GRANTING OF RIGHTS IN STREETS BY COMMON COUNCIL.

SECTION 1. The common council may by ordinance adopted by the affirmative vote of two-thirds of all the aldermen elect, grant rights in, over, upon or under any street, alley or public place for the purpose of constructing or operating street railways, railways, or for telephoning or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for constructing conduits, or for furnishing

to the city or its inhabitants, or any portion thereof, water, light or heat, or for any other public purpose, but subject always to the limitations and conditions herein contained.

REFERENDUM—FRANCHISES AND GRANTS—WHEN PETITIONS
AGAINST—SUBMITTED TO ELECTORS.

SEC. 2. No franchise, whether an original grant, extension or amendment shall become operative where a petition is filed with the city clerk within thirty days after the first publication of the ordinance granting the same, signed by not less than twelve per cent. of the qualified voters of the city, as shown by the vote at the last preceding general city election, asking for submission of the question of granting such franchise to a popular vote, until such question shall be so submitted at a regular election or a special election called for that purpose, and approved by a majority of the electors voting thereon. No grantee of a franchise or a privilege shall be entitled to assign or sublet the same, or allow any other to use the same without the consent of the city by ordinance duly passed, which ordinance shall be subject to the referendum provided for in this paragraph.

WHEN TO TAKE EFFECT—PRICE TO BE FIXED—LENGTH OF TIME—
ADVERTISING OF—FORFEITURE.

SEC. 3. The maximum price for the service or charge shall be stated in said ordinance. No franchise shall be granted for a longer period than twenty years. No ordinance granting any franchise shall take effect within thirty days after the first publication thereof. In case the ordinance is an amendment to or is supplemental to an existing ordinance, such amended or supplemental ordinance shall terminate at the time limited in the original ordinance. Application for a renewal of an existing ordinance shall be made at least one year prior to the granting thereof, except during the last year for which said ordinance runs. No franchise shall be granted without fair compensation to the city therefor, and in addition to the other forms of compensation to be therein provided, the grantee may be required to pay annually to the city such percentage of the gross receipts arising from the use of such franchise and of the plant used therewith as may be fixed in the grant of such franchise. But this provision shall not exempt the grantee from any lawful taxation upon his property, nor from any licenses, charges or impositions not levied on account of such use. All franchises shall be subject to taxation as an asset apart from the physical properties of such utilities. No franchise shall be granted which shall not by its terms go into effect within one year after its passage. Failure on the part of the grantee to place in actual operation the business covered by his fran-

Application
for renewal.

chise for one year shall work a forfeiture of such franchise. No perpetual franchise.
 No perpetual franchise shall ever be granted.

TO ACQUIRE MUNICIPAL OWNERSHIP—MANNER OF PROCEDURE.

SEC. 4. Every grant of a franchise or right, and every contract therefor made or granted under the provisions of this charter shall provide that at the expiration of the term or period for which it is made or granted, or at any time before stated in the ordinance, the city, at its election, and upon the payment therefor of a fair valuation thereof to be made in the manner provided in the grant or contract, may purchase and take over to itself the property and plant of the grantee in its entirety; but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or such grant and contract may provide that such property shall become the property of the city without any compensation to the grantee at the expiration of said franchise: Provided, however, That before the city shall have authority to take over such plant or property the question whether or not the city shall acquire or take such plant and property shall first be submitted to the voters of the city in accordance with the provisions of section seventeen of this title. Proceedings to take over such utility must be instituted within one year of the expiration of such franchise, or the period stated in said ordinance, and sufficient time before the expiration of such period so that if a special election is required to be held to pass upon such question, the same can be held at least six months prior to such period. Every grant reserving to the city the right to acquire the plant of said grantee shall further provide that upon the payment by the city of such valuation, the plant and property shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Every franchise ordinance shall contain adequate provision by way of forfeiture of the grant, or otherwise, for the effectual securing of sufficient and efficient service, and for the maintenance of the property in good order and repair throughout the term of the grant.

Franchise not to be taken into account.

Proviso, to be submitted to the voters of city.

CITY MAY SUBLET OR LEASE—LENGTH OF TIME.

SEC. 5. If by virtue of the foregoing provisions any plant shall become the property of the city of Grand Rapids, the city shall have the option either to take and operate the same on its own account, or to lease the same for a period not exceeding twenty years under such rules and regulations as the council may prescribe, or to sell the same to the highest bidder at public sale: Provided, Such proposition of sale shall be submitted as provided in section seventeen of this title.

Proviso.

OFFICIAL PUBLICATION OF.

SEC. 6. Every ordinance by which the common council shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted, and shall be published verbatim in an official paper of the city at least once a week for six successive weeks before taking effect.

COMMON COUNCIL POWERS TO REGULATE AND CONTROL.

SEC. 7. The common council shall have the power to regulate and control the exercise by any corporation of any franchise exercised on, in and over the streets or public places of the city whether such franchise has been granted by the city or by and under the laws of Michigan.

ANNUAL STATEMENTS TO BE FILED—PENALTY.

Penalty.

SEC. 8. Every corporation or person exercising any franchise in the city of Grand Rapids shall file annually on the first Monday in April in the office of the city clerk a statement subscribed and sworn to by at least two officers of such corporation, or by the individual in control, setting forth in detail for the preceding calendar year the then actual cost of the plant or business operated by such corporation or persons, the actual encumbrances, debts or obligations thereon, if any, the amount of stock issued and to whom issued, and the consideration therefor, the gross earnings, the expenses and nature thereof and the net income after deducting all proper costs and expenses, the names and residences and the amount of stock of all stockholders, and if any bonds have been redeemed and not cancelled, that fact shall also be stated. Every such corporation or person who fails to comply with the provisions of this section shall be liable to the city in the sum of one hundred dollars for each day of such failure, to be recovered in an action of assumpsit in the superior court, and at the end of sixty days, if such default shall continue, shall forfeit such franchises.

ACCEPTANCE OF FRANCHISE—WHERE TO BE FILED.

SEC. 9. Every grantee of every franchise shall file in the office of the city clerk a written acceptance of the same within sixty days of the time said franchise is granted by the common council, or within thirty days from the time the same is approved by the people if voted upon, and in default thereof, all rights under said franchise shall lapse; such acceptance shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained in the ordinance granting the same, as well as the provisions of this charter.

MAINTENANCE AND REPAIRS OF STREETS.

SEC. 10. Street railway and other railway and tramway franchises shall provide that the grantee shall keep those portions of the streets and other places occupied by said railways in good repair and as required by the council, and shall plank, pave, re-pave, reconstruct, or otherwise improve, or repair or maintain in good condition, and in the manner directed by the common council, the whole, or any portion of the streets along or over which said railway shall be constructed lying between the rails of any track thereof, and extending one foot outside of such rails, and also the portion lying between any two tracks; or it may be stipulated in the franchise ordinance that the grantee shall pave, re-pave and keep in repair, as required by the council, the streets used by such road from curb to curb.

JOINT USE OF TRACKS, ETC., PROVIDED.

SEC. 11. Every franchise ordinance to a street or tram railway, or to a railroad using the streets of said city, shall provide that any other railroad company may use said track or tracks in common with the grantee upon obtaining the consent of the council expressed by ordinance, each paying an equitable and proper portion for the construction and repair of the tracks and appurtenances used by such railroad companies.

FIXING OF RATES BY COMMON COUNCIL OR ARBITRATION.

SEC. 12. Every grant of a franchise which provides for the changing of rates, fares and charges shall contain a provision fixing the maximum rate of fares, rates and charges, which the grantee, his, its or their successors or assigns can charge or collect for services rendered or performed by virtue of and during the life of such franchise and the operation of his or its plant or property thereunder; and said grant may also, or in addition, provide that the council reserve the right to thereafter from time to time change, alter, regulate and fix fares, rates or charges which the grantee, his, its or their successors or assigns can charge or collect thereunder during the life of such grant or franchise. This may be done by direct action of the common council or by reference to arbitrators. But such price shall be fair and reasonable to the grantee and the public.

WAIVERS.

SEC. 13. The council cannot waive any of the provisions of this title. In case a franchise does not cover the provisions herein contained, such omission shall not be considered a waiver thereof. All the provisions of this title shall be

considered a part of every franchise hereafter granted, and of all renewals or extensions of franchises.

MUNICIPAL OWNERSHIP.

SEC. 14. The council shall have power to acquire by purchase, or to construct and maintain water works, electric light works, gas works, steam, water or electric power works, steam or hot water or electric heating works, telephone and telegraph lines, street railway tracks, subways and conduits, bridges, viaducts, wharves, and docks, markets and market houses, garbage collection and garbage disposal and reduction plants, and such other public utilities as the council may designate, and to acquire all property, real or personal, necessary therefor, and to maintain and operate the same, or lease the same to other corporations or individuals for the purpose of maintenance and operation.

ACQUIRING OF PUBLIC UTILITY—ESTIMATE ON—PUBLICATION OF.

SEC. 15. Before acquiring any public utility not owned by the city at the time this act takes effect, the council must by a two-thirds vote of all members elect, procure through the board of public works, plans and estimates of the cost of construction and completion of any public utility proposed to be acquired. The estimated cost so ascertained shall be published in one of the official papers of the city once a week for six successive weeks before any further steps are taken.

OFFERS FOR SALE OF—SUBMITTING TO ELECTORS—BOND.

SEC. 16. The council shall thereupon and before submitting the proposition to the electors as hereinafter provided, solicit, and consider offers for the sale to the city of existing utilities, if any, covering the subject matter. The council shall have authority to enter into a provisional agreement for the acquisition of any such existing utility, but such provisional agreement shall not be adopted by the council until all the terms and conditions thereof have been published in the same manner as provided in the preceding section; and its adoption by the common council shall be subject to ratification by vote of the people, as hereinafter provided. Before such provisional agreement is submitted, a good and sufficient bond running to the city, to be approved by the council, shall be exacted from the party thus agreeing to contract with the city, conditioned for the fulfillment of such provisional contract in case it is approved by the people.

DURATION OF PUBLICATION—COUNCIL MAY ACT BY ORDINANCE— VOTE OF PEOPLE.

SEC. 17. In case a proposition is secured from the owner or owners of such utility, and such bond is filed, or in case

the council fails to secure such proposition within thirty days from the last publication of the estimate, or in case there be no such utility in actual operation, the common council may take final action by ordinance, determining to acquire or construct the particular utility under consideration: Provided, however, That before such ordinance be binding upon the city, it shall be submitted to a vote of the qualified electors for ratification or rejection at the next regular election, or a special election called for that purpose. No ordinance so submitted to a vote of the people shall embrace more than one of the purposes enumerated in section fourteen of this title, but several ordinances may be submitted separately at any one election. If an issue of bonds by the city shall be necessary to carry out any proposition so submitted, the question of the issuance of such bonds and the amount thereof may be submitted as a part of the proposition. Or such bonding proposition may be submitted at a later regular or special election. A majority of the electors voting thereon shall be necessary to ratify such ordinance or to authorize said bonds.

Proviso,
to be submitted
to electors.

ORDINANCES BY COUNCIL TO BE CARRIED INTO EFFECT SAME AS CONTRACTS.

SEC. 18. The ordinance of the common council, if ratified by the people, shall be carried into effect in accordance with the regulations as to contracts in this charter; and if an issue of bonds be required, said issue shall be made in accordance with this charter.

PURCHASE PRICE AND MANNER OF PAYMENT LIMITED.

SEC. 19. In case it is proposed to obtain by purchase an existing plant, the common council shall not in the provisional agreement, agree to pay, nor shall it pay for such plant more than ten per cent. in excess of the estimated cost of reproducing such plant at the time of such purchase. Where a provisional agreement has been made and ratified by a vote of the people, the common council shall not expend for the purpose set forth in such agreement a sum in excess of the sum therein named.

SALE OF ANY MUNICIPAL PLANT—TO BE PUBLISHED—SUBJECT TO VOTE OF PEOPLE.

SEC. 20. No municipal service plant owned by the city, whether acquired prior to the adoption of this charter or thereafter, shall be sold, leased, or otherwise disposed of, by the city unless the full terms of the proposition of said sale, or other disposition thereof, together with the price to be paid therefor, shall have been published in one of the official papers of said city once a week for six successive

weeks before final action of the common council, and submitted to a vote of the people for ratification or rejection at the next regular election or at a special election for that purpose and ratified by a majority of all the electors voting thereon.

RECORD OF ACCOUNTS TO BE KEPT IN DETAIL.

SEC. 21. The books of account shall give a clear and unmistakable record of the financial history of such utility, including the original cost of construction, the cost of maintenance and repair in detail, the amount of taxes such property would have paid each year upon a fair valuation if in private hands, the amount of interest paid on bonds issued to supply funds for the construction or maintenance of such utility, an estimate of the amount of rent chargeable against such utility by reason of the occupancy and use of any public buildings not belonging to it for office or other purposes, the income of such utility from all sources, the estimated amount due to such utility for services rendered to the city at large or to any of its departments for which no pay or only part pay is received, and all other facts, figures and estimates required to show the exact financial status of such utility as near as may be at the close of each municipal year with reference to profit or loss in its operation.

MERIT SYSTEM—MAY BE ADOPTED—DEFINITION OF.

SEC. 22. The common council may by ordinance adopt the merit system in the employment or discharge of any or all of the employees in any public utility. The adoption of such system shall be by ordinance defining the manner in which applications for said employment shall be filed and the kind and character of examinations of applicants for such employment.

TITLE V.

POWERS AND DUTIES OF CITY OFFICERS.

MAYOR TO SEE THAT LAWS ARE ENFORCED.

Assistance
from state to
enforce law
and order.

SECTION 1. It shall be the duty of the mayor to take care that all the laws of the State and the ordinances of the common council are faithfully executed. To make or cause to be made complaint to the proper court for any violation of the State laws, or of this act or the city ordinances, and if there is any violation of law or disturbance beyond the power of the city police force and the sheriff's force of the county of Kent to quell, he shall call upon the Governor of the State for such assistance from the State as may be

necessary to enforce law and order. To exercise a constant supervision and control over the conduct of all subordinate officers and to receive and examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient, to expedite such as shall be resolved upon by them, and in general, to maintain peace and good order and advance the prosperity of the city. He shall, ex-officio, be a member of all appointive boards, but without the right to vote thereon.

DUTIES OF ALDERMEN—EXEMPTION FROM JURY DUTY.

SEC. 2. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when appointed thereon by the mayor or common council; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, and to perform all other duties required of him by this act. The aldermen shall be exempt from sitting as jurors in any of the courts of this State.

CLERK—DUTIES OF; CUSTODY OF SEAL—PAPERS—COUNCIL AND LICENSE RECORDS—ADMINISTRATION OF OATHS.

SEC. 3. The clerk shall keep the corporate seal and all papers belonging to the city as a corporation not properly by this act in the custody of some other officer, and he shall perfect a printed record of the proceedings of the common council which may in any court or elsewhere be used as evidence of what such proceedings are. It shall be his duty to attend the meetings of the common council, and copies of all papers duly filed in his office and transcripts from the records of the common council certified to by him, or one of his deputies in his name, under the corporate seal, shall be prima facie evidence in all places of the matters therein contained. He shall countersign all licenses granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book the name of every person to whom a license shall be granted, the number of such license and the date thereof, and the time during which it is to continue in force, and the sum paid for such license. The city clerk is hereby authorized to administer all oaths required to be administered under the provisions of this act, but he shall receive no compensation therefor.

PUBLICATION OF ORDINANCES—RESOLUTIONS ETC., DIRECTING. PAYMENT OF MONEY.

SEC. 4. The city clerk shall cause to be printed all ordinances of the common council at least four times in one of the official newspapers, and all votes and resolutions directing the payment of money shall be published at least once

in one of said newspapers within eight days after the passage of the same. He shall perform such other duties as this act shall direct or which may be required by the common council.

WARRANTS ON CITY TREASURER—RECORDS TO BE KEPT BY
COMPTROLLER.

SEC. 5. All moneys drawn from the city depositary for city purposes, shall be drawn by warrants signed by the clerk and countersigned by the comptroller of said city. All warrants drawn on the city treasurer for city purposes shall be drawn in pursuance of an order from the common council which warrants shall be signed by said city clerk and countersigned by the comptroller of said city, and every such warrant shall specify for what purpose the amount therein named is paid, and out of which particular fund payable, and the comptroller shall keep an accurate account, under appropriate heads, of all expenditures, orders and warrants drawn upon the city treasurer in books to be kept for that purpose, which books shall be furnished by the city, belong to and be a part of its public records.

WARRANTS ON CITY DEPOSITARY.

SEC. 6. On the order of the common council it shall be the duty of the city clerk, after the expiration of at least twenty-four hours next following any regular or special session of the common council, at which any claim or demand against the city has been allowed, to draw a warrant or check on the city depositary for the aggregate sum of all claims and demands against said city allowed at any such regular or special session of the common council, which said warrant or check shall be signed by said city clerk and countersigned by the comptroller of said city, and be made payable to the order of the treasurer of said city: Provided, That no item or items of such claims or demands shall be included in such aggregate or in the warrant or check drawn therefor, to the allowance of which by the common council the mayor shall have interposed his veto, in the manner provided for in this act; nor shall any item or items of such claims or demands for the payment of which there are not sufficient funds out of which the same may be lawfully paid, be included in such aggregate, warrant or check. The city treasurer shall draw from the city depositary the amount called for by such warrant or check and use the same to pay said claims and demands in the manner provided in this act.

Provided.

COMPTROLLER TO MAKE REPORT TO COMMON COUNCIL.

SEC. 7. The city comptroller shall at the first regular meeting of the common council of said city in each month

report in writing to said common council all appropriations and payments made out of the several funds of the city, or other disposition of the same, and the amount of all warrants drawn as aforesaid upon him which have not been called for within thirty days after the countersigning of such warrants together with the name of the person to whom each of said warrants is payable, and out of what city funds it is payable. Upon receipt of such report the said common council shall have power to order the cancellation of such warrants not called for and to instruct the city treasurer to forthwith deposit in the city depository the aggregate amount of such warrants covered by such monthly report: *Provided*, That any such cancellation shall not be taken or held to impair or render void the legality of any such claim or demand.

COMPTROLLER HEAD OF AUDITING DEPT.—TO PREPARE BLANKS, CHECKS, ETC., FOR ALL OTHER DEPTS., INCLUDING WATER WORKS AND BOARD OF EDUCATION.

SEC. 8. The city comptroller shall be the head of the accounting department, and, save as otherwise provided in this act, or in the laws of the State of Michigan, he shall keep all accounts and statistics of the several city departments, including the water department and the board of education of the city of Grand Rapids. The comptroller shall, from time to time, prepare and issue forms for the accounts, reports, bills, vouchers, orders, receipts and checks to be used by the several departments of the city government, and by the officers of said board of education in the transaction of all such parts of the public business as concern the public finances, and after such documents are approved by the common council it shall be the duty of such board or officer to use the same. The wilful failure or refusal by any officer to use any such form in the transaction of business for which the same was designed to be used shall be deemed misconduct in office on the part of such officer, and subject him to removal, under the provisions of Title II., section ten.

COMPTROLLER TO KEEP ACCOUNTS, ETC.

SEC. 9. The comptroller shall keep regular books of account in which shall be entered all indebtedness of the city, and which shall at all times show the precise financial condition of the city; the amount of bonds, orders or other evidence of indebtedness lawfully issued; the amount of the same which has been paid, and the amount of each thereof outstanding. He shall countersign all bonds and other evidence of the city's indebtedness, and keep an exact account and record of each instrument, stating to whom and for what purpose the same has been issued; he shall keep the

To have access to all books, accounts, etc.

accounts with all receiving and disbursing officers of the city, or the board of education, showing the amounts received by them from each of the various sources of revenue, and the amounts which they have disbursed under resolutions or ordinances of the common council or other legal mandate. The comptroller shall at all times have access to all reports, books, vouchers and accounts in each of the several departments, and to those of the board of education, and it shall be his duty to frequently inspect the same in order to insure the keeping of the same properly and in the mode contemplated by law and this act.

BOND OF COMPTROLLER.

New or additional bond.

SEC. 10. The comptroller, previous to entering upon the duties of his office, shall enter into a bond in such sum and with such sureties as the common council shall fix and approve in writing endorsed thereon, which bond shall be filed in the office of the city clerk. The common council is hereby authorized to require a new or additional bond from the comptroller at any time when it shall deem the interests of the city require it.

CLAIMS AND ACCOUNTS, AUDITING AND PAYMENT OF.

Proviso. Further proviso, officials drawing stated salaries not required to verify bills.

SEC. 11. The comptroller shall receive and audit the claims, accounts and demands of all persons against the city. All claims and accounts shall be itemized. And every such claim, account or demand shall be sworn to by the person presenting the same in the manner required herein and shall be certified to as correct by the officer, board or chairman of the committee upon whose authority the contract or liability for such claim or demand is based or originated: Provided, The same arose upon such authority: Provided, also, That city officials drawing stated salaries are not required to verify their bills for services. The common council may pay all claims, accounts and demands so examined and reported to it by said comptroller. But unless a claim is approved by the comptroller, the council shall not order its payment except by the affirmative vote of three-fourths of all the aldermen-elect. Said comptroller shall keep an accurate account of all claims, accounts and demands so recommended by him as well as a separate account of all claims, accounts and demands which he shall receive and which are rejected by him after examination thereof.

REPORTING CLAIMS TO COUNCIL BY COMPTROLLER—FILING OF BILLS.

SEC. 12. In his report to the common council the comptroller shall separate all claims for special improvements

from general claims; also all claims payable out of special funds when there is no money in such funds to satisfy the same. All papers, bills and vouchers for such claims, accounts and demands recommended and reported by him to the common council, after the same shall have been accepted, adopted and finally disposed of by the common council, shall be placed on file in his office, and it shall be his duty to keep the same in good and proper order, subject however, to such direction as the common council may thereafter make in relation thereto.

ORDERS FOR PAYMENT OF MONEY TO BE DRAWN BY COMPTROLLER.

SEC. 13. Said comptroller shall countersign all orders for the payment of money out of the city depositary or depositaries and all orders from the city treasurer and the same shall be drawn and delivered by him at his office and he shall perform such other duties as are prescribed in this act, or as the common council may by ordinance or otherwise prescribe.

CONTRACTS TO BE EXECUTED IN TRIPPLICATE.

SEC. 14. All contracts executed by the city shall be in triplicate, one copy thereof to be filed with the comptroller and one with the city clerk.

TREASURER TO RECEIVE ALL SCHOOL AND OTHER MONEYS—DEPOSIT SAME AND KEEP ACCOUNT OF RECEIPTS AND EXPENDITURES OF CITY.

SEC. 15. The city treasurer shall receive all moneys belonging to the city, and moneys paid in for school purposes, and shall deposit the same daily in the city depositary or depositaries selected by the common council, except when otherwise required by this act. School moneys shall be used for school purposes only, and shall not be transferred by the common council to any other fund. Said city treasurer shall keep an account of all receipts and expenditures of said city in such manner as the common council shall direct, in proper books of account, to be provided by the city, which books shall constitute a part of the public records thereof. The city treasurer shall in respect to the school moneys received by him perform all the duties and be subject to all the liabilities that the township treasurers of the State are now or in the future shall be subject to by law in respect to the keeping and paying out of moneys collected for school purposes.

School moneys
not to be
transferred.

TREASURER—DUTIES OF—REPORTS TO COUNCIL—FRANCHISE
FEES.

SEC. 16. The city treasurer shall keep an office which shall be provided and furnished for him by said city and he shall devote his whole time to the duties of his office. He shall at the first regular meeting of the common council in each month make a report to the common council of the finances of said city, showing the exact condition of the several funds thereof. It shall be the duty of the treasurer to keep a list of all franchise and other similar fees, and to attend to the prompt collection of the same.

BOOKS AND ACCOUNTS OF TREASURER TO BE OPEN TO PUBLIC—
ANNUAL REPORT.

SEC. 17. The books and accounts of the city treasurer shall be open to the inspection of any elector of said city. The city treasurer shall exhibit to the common council on the last Tuesday of April in each year a full and fair account of the receipts and expenditures of said city, and of all moneys coming into his hands by virtue of his office since the date of his last annual report, and also the state of the treasury of said city, which account, if found correct, shall be filed in the office of the city clerk.

TREASURER NOT TO LEND OR DEPOSIT MONEY EXCEPT AS AUTHORIZED BY LAW.

SEC. 18. Except as in this act otherwise provided, the city treasurer shall not lend, use nor deposit any of the moneys received by him as such treasurer, or any part thereof, to or with any bank, banker, corporation or person, nor shall he pay out any part of such moneys nor allow the same to pass out of his custody except as authorized by law or this charter. If the treasurer shall violate any of the provisions of this section he shall be deemed guilty of misconduct in office and be liable to removal therefrom under Title II., section ten.

DUTIES OF TREASURER AND COMPTROLLER IN HANDLING FUNDS.

SEC. 19. The amount of tax rolls, general, special or otherwise shall be entered upon the books of the comptroller. The charges placed against the city treasurer's office from said rolls shall be verified by the city comptroller. The collections shall be reported each day by the comptroller, not by item, but by totals, stating the name of the roll to which the collection is to be credited. A statement shall be made by the comptroller to the treasurer, showing the balance remaining unpaid upon each roll, at the end of each month. This period includes the time when the rolls are returned as

well as when they are subject to redemption, and when they are offered for sale. This statement after being filed with the treasurer shall be verified by the treasurer's department for the purpose of ascertaining whether or not the amount as reported by the comptroller is in accordance with the various items unpaid upon the several rolls. All transactions pertaining to the financial department of the city shall be reported in detail from the department authorized to transact such business. These reports shall be filed with the comptroller, the money to be paid direct to the treasurer upon order issued from the several departments. The money so received shall be placed upon the report of the treasurer to the comptroller. These reports shall be verified by the reports sent in direct from the several departments in which the business was transacted. The moneys paid into the treasury, which the comptroller finds from the various reports, filed in his office, shall be a charge to the city treasurer. The only release from this charge shall be by a certificate filed in the comptroller's office by the city depository, for money deposited therein, signed by the proper authority. This certificate shall be a credit to the treasurer and a charge to the city depository. All disbursements shall be listed by the comptroller on the report, made for that purpose, which is presented to the common council for their approval. After the several accounts have been listed on said report, one warrant shall be drawn against the depository in favor of the city treasurer for the total sum. The comptroller shall draw an order for the individual items upon the said report against the city treasurer. The orders drawn shall be signed by the city clerk and comptroller. The warrant against the depository shall be signed by the mayor and city clerk and comptroller.

Reports to be filed with comptroller, money paid direct to treasurer.

Disbursements to be listed by comptroller.

TREASURER TO BE SOLE RECEIVING AND DISBURSING OFFICER.

SEC. 20. It is the purpose of this legislation to make the treasurer of the city the sole money receiving and disbursing officer of the corporation, and of its officers, agents, and of its boards including the board of education and the board of public works. Whenever any other officer, agent or board shall be required to issue any license, permit, water or other bill, order or voucher contemplating the payment of money, instead of receiving such money, said officer, agent or board shall issue such license, permit, bill, order or voucher marked or stamped "Not good until presented to the city treasurer, and the amount indicated paid him and his receipt therefor stamped or signed hereon," or words to that effect. The money shall then be paid to the treasurer.

PENALTY FOR FAILURE TO PAY MONEY TO CITY TREASURER.

Sec. 21. Any officer or agent of this city or other person who shall receive or have in his hands any money belonging to the city, shall immediately pay the same to the treasurer and a receipt shall be issued and delivered to the person paying the same. If any such officer, agent or other person shall wilfully fail to pay to the treasurer any money so received, for more than forty-eight hours after the money shall have been received by him, such officers, agent or other person shall forfeit to the city double the amount of money so received, to be recovered by civil action brought by the city against him in a court of competent jurisdiction.

COUNCIL TO ADVERTISE FOR PROPOSALS FOR DEPOSITARY.

Sec. 22. The common council of said city shall on the first Monday of April next preceding the termination of any existing contract, or within ten days thereafter, advertise in one of the newspapers of said city for a period of at least one week after the first insertion of such advertisement, for sealed proposals for the highest rate of interest obtainable on daily balances of money belonging to the city, or the board of education, or in their custody, and the lowest rate of interest to be paid by said city for such temporary loans as it shall desire to make.

CONTRACT WITH BANKS AS CITY DEPOSITARIES.

Sec. 23. The common council shall have power to contract with any safe and secure banking institution or institutions, and to make rules and regulations in regard to the depositing of money therein, for a period of not to exceed three years, as a depositary or depositaries for the safe keeping of the public moneys belonging to or in the custody of said city, or any of its boards, including the board of education, and for the payment of interest thereon at a rate not exceeding that established by law upon such moneys of the city so deposited with such banking institution or institutions, to be drawn from the current account by said city through its proper officer or officers, which said interest shall belong to the city, or the board of education, as the case may be. Every such contract with a banking institution shall contain an agreement on the part of such institution permitting the common council, whenever it shall deem that the interests of the city require it, to terminate such contract and to withdraw all moneys deposited with such institution or institutions and in such case the books required to be kept by such depositary shall be delivered into the custody of the city clerk by it. The council shall require such depositary or depositaries to give suitable bonds in such penalty as it shall determine, and with such sureties as it

Contract to contain agreement to terminate same, withdrawal of moneys, etc.

Depositaries to give bonds.

shall approve, before any transfer of any such moneys as aforesaid can be made to such depositary or depositaries.

BOOKS TO BE KEPT BY CITY DEPOSITARIES.

SEC. 24. The depositary or depositaries so designated by the common council shall keep an accurate account in a set of books of all moneys belonging to or in the custody of said city deposited with such depositary or depositaries, such books to be provided by and belong to said city, and constitute a part of the public records of said city. Such books shall at all times during business hours be subject to inspection by any member of the council, board of education, the comptroller, treasurer, mayor and city attorney. They shall be delivered by the outgoing depositary or depositaries to those succeeding to the trust. Such depositary or depositaries shall report in writing monthly to the common council of said city the amount of moneys belonging to said city then on deposit with such depositary or depositaries.

Books subject to inspection by members of council, etc.

ADDITIONAL BONDS FROM TREASURER AND CITY DEPOSITARIES.

SEC. 25. The common council is hereby authorized to require new or additional bonds or security from the city treasurer and from the depositaries of money belonging to the city, or in the custody of the city, and deposited in such depositaries, at any time or times when it shall deem the interests of the city require.

DUTIES OF CITY ATTORNEY AND ASSISTANTS.

SEC. 26. The city attorney must attend the sessions of, advise and shall be subject to the direction of the common council. He shall have control of all actions, suits or proceedings in any court, State or federal, in which the city is interested, and must attend to the prosecution of every person or persons charged with violation of any city ordinance or any regulation adopted under the authority of this charter, and all suits or proceedings in which the board of education of the city is in any way interested, either as plaintiff, complainant or defendant, and to any prosecution for the violation of any regulation adopted by any of the boards of the city, created under this charter, or by ordinance of the common council. He shall perform such other duties as usually devolve upon the corporation counsel of a city. He shall perform such duties of a professional character and exercise such powers connected therewith in matters in which the city is interested as shall be assigned to him by the common council, the officers of said city and the several boards thereof. The common council shall provide and suitably furnish for him and his assistants such offices as may

To have control of actions, etc., in which city or board of education is in any way interested.

May appoint
assistants;
salaries to be
fixed by com-
mon council.

from time to time be necessary. Upon his election to office or as soon thereafter as may be necessary, he may appoint a first and second assistant city attorney and also such clerical assistants as may from time to time be necessary; such first and second assistant city attorneys and such clerical assistants may be removed by him at will, but their salaries shall be determined and fixed by the common council. Such assistant city attorneys shall perform such duties as shall be assigned to them by the city attorney or by the common council.

DUTIES OF CITY MARSHAL.

Sec. 27. The city marshal shall report monthly to the common council the condition of the streets, highways, alleys, lanes, courts, public places, public grounds, sidewalks and public sewers, and if any of them are out of repair, make report of that fact with the nature of the defect and the place where located, together with an estimate of the expense of repairing the same. The common council on receiving such report may direct him to make or cause to be made the necessary repairs and shall provide the means therefor, and direct him to charge the same to the adjoining property. If the defects are of such a nature as to be immediately dangerous to persons or property, it shall be his duty to cause such repairs to be made immediately and report the same to the common council at its next meeting thereafter, together with the expense thereof certified to by him, and the common council shall provide means for the payment thereof, and in cases where authorized by the provisions of this act may direct such expense to be charged to the adjoining property.

MARSHAL TO REPORT ACCOUNTS OF EXPENDITURES, ETC.

Sec. 28. All accounts of expenditures made by said marshal in the performance of the duties prescribed by the preceding section shall be certified by him and be made in triplicate, one of which shall be filed in his office and the others in the offices of the treasurer and comptroller respectively. Such accounts shall be reported to the common council at its next regular meeting after such expenditures shall have been made. It shall be the duty of said marshal to keep a record under appropriate heads in a suitable book or books furnished him by said city, of all expenditures made by him under the provisions of the preceding section, which said books shall belong to and be a part of the public records of said city. He shall perform such other duties as are required by this act or as may be from time to time required or prescribed by ordinance or resolution of the common council. The marshal shall act as the attending officer and sergeant at arms at all meetings of the common council.

DUTIES OF CITY PHYSICIAN AND OTHER OFFICERS.

SEC. 29. The city physician and all other officers of the city, where not otherwise provided by this act, shall perform such duties and file such bonds as the common council may by ordinance or otherwise direct.

SALARIES OF CITY OFFICERS AND EMPLOYEES.

SEC. 30. The common council shall annually determine the salary or compensation to be paid to the several officers of said city within the limitations herein prescribed, and which limitations shall be as follows: To the city clerk, two thousand five hundred dollars per annum; to the city treasurer, two thousand five hundred dollars per annum; to the city marshal, one thousand three hundred dollars per annum; to the mayor, two thousand dollars per annum; to the city comptroller, two thousand five hundred dollars per annum; to each of the aldermen, three hundred fifty dollars per annum; to the city attorney, three thousand dollars per annum, said salaries to be fixed by the affirmative vote of at least two-thirds of all the aldermen-elect; and the common council may establish and prescribe the fees or salaries to be paid to all other officers, clerks or employes of said city, whose fees or salaries are not prescribed by law or otherwise provided for in this charter.

HIGHWAY COMMISSIONERS TO GIVE BONDS.

SEC. 31. Every person chosen highway commissioner as provided by this act shall execute a bond to the city in the sum of one thousand dollars with at least two sufficient sureties to be approved by the common council of said city, for the faithful performance of the duties of his office and for the faithful accounting of all moneys belonging to said city which may come into his hands.

DEPUTIES AND CLERKS FOR CLERK, TREASURER, COMPTROLLER AND MARSHAL.

SEC. 32. The clerk, treasurer, comptroller and marshal shall respectively appoint deputies of their offices, each of whom shall possess all the powers and authority of their respective offices, and may exercise all the duties thereof subject to the control of such officers. Upon the written recommendation of such officers the common council shall furnish, when in its opinion necessary, such other assistants and clerks as from time to time may be required for the proper discharge of the duties of their respective offices: Provided, That the common council shall have authority to limit the number of assistants, clerks and employes in each of said offices. The said clerk, treasurer, comptroller and marshal shall be

Proviso, to
limit number.

responsible for the acts and defaults of their respective deputies, and may remove such deputies at their pleasure.

TITLE VI.

STREET AND PUBLIC IMPROVEMENTS.

SUPERVISION OF STREETS, ALLEYS, ETC., BY COMMON COUNCIL— WHEN TO BE RECORDED AS PUBLIC THOROUGHFARES.

SECTION 1. The common council, except as herein otherwise provided, shall have the care and supervision of the highways, streets, bridges, lanes, alleys, parks, courts, public places and public grounds in the city and it shall be its duty to give directions for the repairing, preserving, improving, cleaning and securing of such highways, streets, bridges, lanes, alleys, parks, courts, public places and public grounds, and cause the same to be repaired, cleansed, improved and secured from time to time, as may be necessary; to regulate the highways, streets, bridges, lanes, alleys, parks, courts, public places and public grounds already laid out, or which may hereafter be laid out or built, and to alter such of them as it may deem inconvenient, subject to the restrictions contained in this title; to cause such of the highways, streets, lanes, alleys, parks, courts, public places and public grounds in the city as shall have been used for six years or more as public highways, streets, lanes, alleys, parks, courts, public places and public grounds and which are not sufficiently described, or have not been duly recorded in the office of the city clerk in the book of street records, to be ascertained, described and recorded in the office of the city clerk, and also in the office of the register of deeds of Kent county. The record of such highways, streets, lanes, alleys, courts, public places and public grounds so ascertained and described, or which shall hereafter be laid out and established by the common council, shall be presumptive evidence of such highways, streets, lanes, alleys, parks, courts, public places and grounds therein described.

IMPROVEMENTS TO BE DECLARED NECESSARY BY COUNCIL—DIS- TRICTS TO BE ASSESSED—EXCEPTIONS FOR INTERSECTING STREETS—MANNER OF PAYMENTS ISSUING OF BONDS.

SEC. 2. Whenever the common council shall determine that the whole or any part of the expense of any public improvement shall be defrayed by an assessment upon the owners of real estate to be benefited thereby, it shall declare the same by an entry in its minutes, and after having obtained an approximate estimate of the expense of any such im-

provement, it shall declare by an entry in its minutes what proportion thereof shall be assessed to such property owners, specifying the whole sum to be assessed and the portion of the city which it deems benefited by such improvement. The cost of the grading, paving or improving of that portion of the streets, highways, lanes or alleys included within the intersecting lines of the same improved after January first, nineteen hundred five, shall be paid by the city at large from its general fund, excepting any part of the same chargeable to the street railway company. The cost and expense of making the estimates, plans and assessments incidental thereto shall be included in the expense of such improvement. The common council is hereby authorized to meet the expense of the following named improvements in the following manner:

First: For the purpose of meeting the expense of improving streets, highways, avenues, lanes, alleys, courts, public places and public grounds of said city, by paving, grading, graveling or otherwise, and for the construction of public sewers therein, in anticipation of the collection of assessments and taxes to defray the expense and cost thereof, the common council may by resolution authorize and direct the mayor, comptroller and clerk of said city to borrow a sum not exceeding three hundred thousand dollars, in any one year, for such purpose, and to issue the bonds of said city therefor, bearing interest at the rate of not exceeding five per cent. per annum, with interest coupons attached, which said bonds and coupons shall be signed by the mayor and countersigned by the comptroller of said city: May issue bonds. Provided, Proviso. however, That the total amount of said bonds thus authorized to be issued shall not exceed seven hundred thousand dollars outstanding at any one time, and said bonds shall be made payable in equal amounts each year for a period of not exceeding five years from the date of issue, as the common council may direct. The said bonds shall be endorsed "Street Improvement Bonds" or "Sewer Construction Bonds," and shall be numbered or lettered by the city clerk consecutively. Said bonds may be made registered or un-registered and shall not be sold for less than par, and be payable at the office of the city treasurer, and the proceeds of the same shall be paid to the city treasurer and by him placed to the credit of the street improvement or sewer construction bond and their interest fund, as the case may be. The said bonds shall be paid at maturity and cancelled, and shall not be reissued or refunded.

Second: All provisions of this title relative to the ascertaining and assessing the cost of public improvements shall be applicable to the ascertainment of the cost of street or sewer improvements paid for by the proceeds of street or sewer improvement bonds, and the assessment of said cost upon the real estate deemed to be benefited thereby, except

Proviso, certain assessment rolls and bonds to be kept separate. Rolls subject to appeals.

Unpaid installments of assessments to bear interest at five per cent per annum.

Comptroller to certify to common council additional amounts not provided for.

Taxes to be lien on real estate.

that the assessment rolls for improvements paid for in the first instance by street or sewer improvement bonds or their proceeds shall be designated by the clerk as "Street Improvement Rolls," or "Sewer Improvement Rolls:" Provided, That assessment rolls for sewer purposes as well as bonds issued therefor shall be kept separate and distinct from street improvement rolls and bonds. Said assessment rolls shall be subject to appeals therefrom to the common council by the parties assessed or interested therein, and shall be subject to ratification and confirmation by the common council and be final and conclusive as in other cases of public improvements made under the provisions of this title. All unpaid installments of assessments in said assessment rolls provided for by the provisions of this section shall bear interest at the rate of five per cent per annum from the time of the confirmation of the assessment roll containing same by the common council. The board of assessors of said city, or other assessing officer or officers, shall divide each assessment contained in said rolls into so many equal parts as the common council shall direct. The said assessment rolls shall be attested by the mayor and city clerk, under the seal of said city.

Third: On or before the first day of April in each year the city comptroller shall certify to the common council any additional amount not provided for, to meet the balance of the street or sewer improvement bonded indebtedness of the city maturing in the next fiscal year after such date, and the annual interest on all outstanding street improvement bonds maturing within such time, which amount said common council shall order spread on the annual tax roll and which shall be spread thereon in the street or sewer improvement bond column thereof upon all the real and personal property of the city liable to taxation for general city purposes; and such taxes when so assessed shall become a lien upon the real estate assessed the same as other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city, and for the non-payment thereof the premises may be sold in the same manner as for the non-payment of said annual taxes, and when so collected shall be placed to the credit of the street or sewer improvement bond and interest fund, as the case may be, and shall be applied to the payment of the principal and interest of said bonds as they shall fall due and for no other purpose.

Fourth: The first installment of said assessments to defray the expense of such improvements under the provisions of this section shall be collected in the same manner as assessments for other public improvements under the provisions of this title, and every installment in said assessment roll shall become a lien when said assessment roll shall be placed in the hands of the city treasurer and so remain until all of said

assessed taxes shall have been paid, and the provisions of section one hundred seventy-three of this title shall be applicable thereto, and said assessment roll so certified and confirmed by the common council and delivered to the city treasurer shall be final and conclusive and be prima facie evidence of the regularity and legality of the proceedings prior thereto. In case of the non-payment of any installment on any such assessment roll, the premises upon which the same is assessed shall be returned and sold for non-payment thereof as in other cases for assessments for public improvements under the provisions of this title and with the same force and effect. Any installment of said roll when collected shall be placed by the city treasurer to the credit of the street improvement or sewer improvement bond fund, as the case may be. Other installments than the first installment of said assessment roll shall become due and payable, as follows: The first in one year, the second in two years, the third in three years, the fourth in four years, as the common council shall have provided next after the date of the confirmation by the common council of the assessment roll containing the same, with interest annually at the rate of five per cent. per annum: Provided, however, That said installments, with the interest thereon at the rate aforesaid, may be paid to the city treasurer at any time after the confirmation as aforesaid, of the assessment roll containing the same, and if not paid when due ten per cent. shall be added thereto and collected thereon with said installments. Said bonds, or any of the avails thereof, shall be used only in the defraying of the expense of the special improvement for which they were issued.

Non-payment of any installment, premises to be returned and sold.

Installments, when due and payable.

Proviso.

Fifth: The powers herein granted relative to the issue of street or sewer improvement bonds shall be construed to be permissive, and their exercise within the discretion of the common council, and if said common council shall not order the same to be issued, or if issued, shall not be able to negotiate the same under the provisions of this section, then the expense of such street improvements shall be defrayed, provided for and raised in the same manner as the expense of other public improvements under the provisions of this title, and as though no authority had been given to issue such bonds.

Powers granted, construed as permissive.

ORDER TO MAKE IMPROVEMENT BY COUNCIL TO BOARD OF ASSESSORS.

SEC. 3. The common council shall thereupon make an order reciting the public improvements so as aforesaid intended to be made, the amount of expense to be assessed therefor, and the portion of real estate in said city on which the same is to be assessed and directing the board of assessors to make an assessment upon all real estate within

the portion of the city so apportioned, of the amount of expense in proportion as near as may be to the advantages which each portion or parcel shall be deemed to acquire by making such improvement. Such order shall be certified to by the clerk and delivered to the board of assessors, together with the map or profile of the proposed improvement in cases where the same is practicable.

ASSESSMENT ROLL BY BOARD OF ASSESSORS—MAKING OF AND
RETURN OF.

SEC. 4. The board of assessors shall make an assessment according to said order and make out an assessment roll in which shall be entered the names of the persons owning the real estate so assessed, the description of the property on which the assessment is made, the amount assessed thereon respectively, and in assessments for street or sewer improvements under section two of this title, where the expense thereof is to be defrayed in the first instance by the proceeds of street or sewer improvement bonds, they shall divide each assessment into such number of equal parts as the common council shall have ordered, and in case any lots or parts of lots shall be occupied and belong to any person residing in said city, such person shall be assessed for the same and his name entered accordingly with the value thereof and the amount assessed thereon, and lots that may be owned by non-residents of said city shall be assessed in the same manner to the owner thereof. The said assessment roll shall be subscribed by said board of assessors, or a majority of them who acted in the premises, and returned as speedily as possible to the common council.

RETURN OF ASSESSMENT ROLL—ADVERTISING OF BY CITY CLERK—
APPEALS FROM.

SEC. 5. Upon such return being made and filed the city clerk shall cause notice of the names returned to his office to be published in one of the newspapers of the city for such time as the common council shall direct, provided that there shall be at least two publications before the roll shall be acted upon by the common council. The common council will on such day as it shall have appointed for the hearing of any appeals, or upon any day to which the same may be adjourned, proceed to hear such appeals. Every appeal shall be in writing and shall state the specific grounds of the appeal and the matters therein complained of, and no other matters shall be considered by the common council. Such appeals shall be filed in the office of the city clerk on or before the first day for the hearing of appeals and be a part of the public records of his office.

Appeals,
what to
contain.

HEARING ON APPEALS—DISPOSITION OF—CORRECTIONS IN ROLL.

SEC. 6. At the time fixed for the hearing, or adjourned day thereof, the common council shall hear the allegations and proofs of all persons who may complain of such assessment and rectify and amend the said assessment list and the assessments contained in said roll, in whole or in part, or they may refer said roll back to said board of assessors for correction or may set the same aside and direct a new assessment; and in case the said roll shall be set aside the same proceeding shall be had as herein provided upon the first order of the assessment, or the common council may ratify and confirm such assessment without any corrections or with such corrections therein as they may think proper; but if no appeals shall be made from such assessment at the day appointed for that purpose, the common council shall ratify and confirm said roll after making such corrections in said assessment list of names and descriptions of real estate as it deems necessary and proper: Provided, however, That nothing herein contained shall prevent said common council from setting aside said roll and ordering a new assessment on account of any illegality, imperfection or irregularity in any proceeding prior to the making of said roll, or on account of failure on the part of said board of assessors making said assessments to assess the entire district ordered to be assessed by said common council. A certified copy of said assessment roll confirmed as aforesaid and as hereinbefore provided shall be delivered to the city treasurer by the city clerk, who shall take the receipt of the city treasurer therefor and endorse thereon the time of such delivery.

Proviso, may
set aside roll.

Certified copy
to be delivered
to city treasurer.

ADVERTISING OF ASSESSMENT ROLLS BY TREASURER—LENGTH OF TIME FOR PAYMENTS—PERCENTAGE ADDED.

SEC. 7. The city treasurer shall thereupon give notice by publication once a week for three successive weeks in a newspaper published in said city of the receipt of such assessment roll, and that the same will remain in his office for the space of twenty days after the first publication of said notice during which time he will receive the payments of assessments made thereon, without extra charge. The city treasurer shall give receipts to all persons who shall pay their assessments to him before the expiration of said twenty days and shall endorse the same so paid to him on such roll. Immediately after the expiration of said twenty days, said city treasurer shall cause to be served upon each person, firm, company or corporation whose name appears on such roll as not having paid the tax assessed against him or it within the twenty days above named, a written or printed or partly written and partly printed notice specifying the amount of the tax assessed against him or it, with two per cent. added

Notice, when
to be given.

Notice,
how served.

for collection fees, and giving notice that after the expiration of thirty days from the date of said notice a further sum of three per cent. on the original tax will be added to all taxes remaining unpaid on said roll at such date as a collection fee. Such notice shall be served by sending the same through the mail with the postage prepaid thereon duly directed to the person, firm, company or corporation, as assessed. The said city treasurer shall make proof of such service upon the roll by setting out a copy thereof and the names of the several persons upon whom, the manner by which such service was had, and certify the same under his hand.

MAYOR'S WARRANT—TREASURER TO COLLECT, ON.

When per cent
to be added.

SEC. 8. At the time of the delivery of the roll to the city treasurer the mayor shall attach his warrant thereto commanding the city treasurer to collect all taxes therein contained together with the fees hereinbefore described, within ninety days from the date thereof. It shall be his duty to add to said assessment two per cent. to the original tax on all sums not paid within the twenty days aforesaid and the further sum of three per cent. if not paid within thirty days from the date of said notice, which said sums of two per cent. and three per cent. added to said original assessment shall thereafter remain a part of the same.

DAILY DEPOSITS BY TREASURER—FEES, DISPOSITION OF.

SEC. 9. Said city treasurer shall deposit all taxes and fees collected by him daily in the city depository or depositories, or as the common council shall direct, and shall proceed in the collection thereof in the same manner as in the collection of State, county or municipal taxes within the corporate limits of the city, except as herein otherwise provided. In the case of assessment rolls for street improvements under the provisions of section two of this title, and where the assessments therein are divided into equal parts and are payable in installments under the provisions of section two of this title, the said warrant shall command the collection of the several installments of the said assessment as the same shall have been divided in said assessment roll, and the treasurer's notice shall correspond thereto. All fees received by the city treasurer in conformity with the provisions of this title shall belong to the city and be paid into the city treasury to the credit of the general fund of the city.

UNDIVIDED INTERESTS—HOW SAME MAY BE PAID.

SEC. 10. Any person owning any undivided share or other part or parcel of real estate assessed in one description may

pay the tax on the part thus owned by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall accurately describe the part on which to make payment, and the receipt given and the record of the receiving officer shall so show such description and by whom paid; and in case of the sale of the remaining part for non-payment of the assessment, such person making such payment may purchase the remaining part or parts in like manner as any disinterested person could purchase the same.

Receipt, what
to contain.

PAYMENT OF ANOTHER'S TAX, ETC.—RECOURSE IN LAW—STREET RAILWAY ASSESSMENTS, COLLECTION OF.

SEC. 11. Where any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same, the amount so paid, with interest. When any assessment is made against any street railway company, or the same shall become due by reason of any franchise given to said street railway company, and the same shall not have been paid within the time fixed for the collection of taxes in said warrant, an action of assumpsit may be instituted in behalf of the city in the proper court to recover the amount of said assessment or assessments, or that shall be due the city under the franchise of said street railway company.

REFUND OF OVER-COLLECTIONS.

SEC. 12. If upon the completion of any such improvement for which such assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to pay the expenses thereof, the common council shall apportion such excess among the persons and property assessed in proportion to the amount collected of them, and shall pay the same to such persons entitled thereto on demand.

CHANGING OF ORIGINAL PLANS—WHEN SAME MAY BE DONE—ADDITIONAL ASSESSMENT AND DISTRICT.

SEC. 13. The common council and board of public works may change the plans and specifications of the work, for the payment of which said assessment is ordered to be made, and may add to or diminish the same at any time before the completion of the assessment roll therefor by the board of assessors, but not afterwards; and if it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated as aforesaid, the

common council may direct the assessment of the same on the owners of the real estate benefited by such improvement in the same manner as above herein described, and the same proceedings in all respects shall be had thereon, and the common council may in its discretion enlarge the territory or district to be assessed for such improvements.

CONSTRUCTION OF SIDEWALKS—ORDERING OF BY COUNCIL—BUILDING OF BY CITY—MARSHAL'S DUTY CONCERNING SAME.

SEC. 14. Whenever the common council shall deem it expedient to construct any sidewalk within the city, it may by ordinance or otherwise, require the owner of any lot or premises adjoining thereto, or fronting or abutting thereon, to construct such sidewalk in front of or adjoining such lot or premises. The common council in like manner may, by ordinance or otherwise, under such penalties as it may prescribe, require the owner to repair or reconstruct such sidewalks in front of or abutting thereon or adjoining his premises, in such manner as it may direct. If such owner shall neglect or refuse to make, repair or reconstruct any sidewalk in front of or adjoining his premises within such reasonable time as the common council shall prescribe, it shall be lawful for said common council, upon proof being filed with the city clerk of said city of the failure of the owner of such property to comply with the requirements of said common council, to cause the same to be done at the expense of the city, and an accurate account of the expense thereof shall be certified to by the marshal, who is hereby authorized by virtue of his office to make, repair or reconstruct such sidewalk, or cause the same to be done under the direction of the common council, and to file such account in the office of the city treasurer and a duplicate thereof in the office of the board of assessors within five days after such work shall have been done. Said account so certified to by said marshal shall contain an accurate description of each parcel of real estate abutting thereon or adjoining thereto, and which was so made, repaired or reconstructed, the expense thereof, and also the name of the owner of the real estate, if known, and if not known, such fact shall be so stated in such account.

RETURN OF UNPAID ACCOUNTS BY TREASURER—ROLLS TO BE MADE.

SEC. 15. It shall be the duty of the city treasurer on the third Monday in July, October and January in each year to report to the board of assessors the said accounts then remaining unpaid, and the board of assessors shall place the same in an assessment roll, together with ten per cent. of each account to be added thereto which said assessment roll shall be returned and reported by said board to the common council, and shall be in substance the same as the assessment

roll provided for by this title in cases of assessments to defray the expense of public improvements upon districts deemed to be benefited thereby, except that it shall not be necessary to place any valuation upon the real estate described in said roll. Said assessment roll shall be subject to appeals therefrom to the common council, and notice of such appeals shall be filed with the city clerk stating the several grounds upon which appeal is taken, and such appeals shall be heard by the common council as in cases of other assessments provided for in this title; and all the provisions of this title relative to the hearing and action by the common council on such appeals shall be applicable thereto, and said rolls shall be subject to ratification and confirmation by the common council as in other cases provided for in this title. Such expense of making, repairing and reconstructing sidewalks as aforesaid, together with such percentage added as aforesaid shall be and remain a lien upon such real estate until the same is fully paid.

Assessment
rolls subject
to appeals.

AFFIXING OF CERTIFICATE BY CITY CLERK—MAYOR TO ANNEX WARRANT—COMMANDING TREASURER TO COLLECT.

SEC. 16. The city clerk shall sign said roll and annex his certificate thereto, and the mayor shall within ten days thereafter annex his warrant to said roll commanding said treasurer to collect said assessments within sixty days from the date thereof. All provisions of this title relative to the return and sale of real estate for the unpaid assessments thereon are hereby made applicable to sidewalk assessments.

LANDS ACQUIRED BY TAX SALE—TREASURER TO CERTIFY TO COMPTROLLER.

SEC. 17. The city treasurer shall certify to the city comptroller lists of all lands acquired by the city on tax sales.

LIABILITY OF OWNERS—REFUSING TO COMPLY WITH ORDINANCES OR RESOLUTIONS OF COUNCIL.

SEC. 18. Whenever the owner of any real estate in said city shall refuse or neglect to comply within such reasonable time as the common council shall appoint, to conform to any ordinance resolution or other order of the common council in relation to the removal of encroachments upon the public streets of said city, or upon the real estate belonging to the city, or shall refuse to comply with any of the provisions of the statutes of this State, or to conform to any regulation in relation to public streets or the real estate belonging to the city, in pursuance of the statutes of this State or the ordinances of the city, it shall be lawful for the city of Grand Rapids through its common council to cause the removal of any encroachment or the enforcement of any such regulation

Claim to be
lien on real
estate.

and the compliance with said provisions, and to recover the amount of such expense with any damages incurred by the city on account of such refusal with costs of suit in an action of debt or assumpsit from the owner of such real estate, and the same shall be a personal charge against the owner of such real estate and its appurtenances. Such claim shall also be a lien upon such real estate and its appurtenances until paid, which lien may be enforced under and in accordance with the provisions of Title VII. in relation to the construction and repair of sidewalks by the city of Grand Rapids.

TREASURER'S DUTIES—REGARDING UNPAID ASSESSMENTS.

Form of
certificate.

SEC. 19. Ninety days after any assessment roll has been placed in the hands of the city treasurer for collection without a further time shall have been granted to him to make collections of assessments on such assessment roll by resolution of the common council passed to such effect and duly entered upon its minutes, and at the expiration of such further time, if granted, he shall file in his office a complete list of real estate upon which the assessments have not been paid or collected, with a statement to whom each parcel of real estate was assessed, and describe such real estate and give the amount of the assessment together with the collection fees as added upon each parcel; and he shall annex thereto a certificate substantially in the following form: "I hereby certify that the above list contains a true and accurate statement of each parcel of real estate, and the assessment and collection fees thereon remaining unpaid, and the names of persons to whom each parcel was assessed," and the improvement or work on account of which such assessment was made shall be named in such certificate.

SALE OF REAL ESTATE FOR UNPAID TAXES—ADVERTISEMENTS, ETC.

Form of
notice for
publication.

SEC. 20. Within sixty days after the return of said list the city treasurer shall cause said list to be inserted in a newspaper printed and published in said city, together with a notice in substance as follows: "It appearing from the return and list of the city treasurer that the assessment and collection fees on the above described parcels of real estate remain unpaid, notice is hereby given that said real estate will be exposed for sale in separate parcels, at public auction on the day of A. D. 19.... at 10 o'clock in the forenoon at the front door of the county court house in said city of Grand Rapids, and sold to the highest bidder for the purpose of collecting said assessments and interest thereon and one dollar for the cost of selling each lot or parcel." Said date of sale shall be at least thirty days after the first publication of said notice and shall be inserted in said paper at least once in each week during that

Date of sale.

time. Such sale may be postponed by the treasurer from time to time by public proclamation thereof, made at the time and place of sale and by inserting notice of such postponement in the paper containing said notice next under said notice of sale; and if for any cause such sale shall not take place at the time in such notice specified, or at the time to which it may be postponed, the common council may direct said treasurer at any subsequent time to readvertise and sell said real estate in manner and form as aforesaid.

**COUNCIL MAY COLLECT FOR CLEANING OF STREETS AND SIDEWALKS
AND NUISANCES THEREON.**

SEC. 21. The common council is hereby authorized to assess the real estate of residents and non-residents of the city their just proportion of the expense for cleaning and repairing streets, highways, alleys, lanes, courts, public places, public grounds and sidewalks, and for removing nuisances therefrom. It shall in all cases be the duty of the owner or occupant of real estate in the city adjoining any sidewalk or abutting thereon, to keep such sidewalk in good repair, and to remove and clear away all dirt, wood, snow and ice, and other obstructions therefrom, and not to permit the same to remain thereon, and upon his failure to do so, the common council may cause the same to be done at the expense of the city, and such expense shall be assessed upon such real estate, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of the non-payment of the same as is provided in this title, and such expense shall be a lien upon such real estate and may be enforced in the manner provided in this title for the repairing or building of sidewalks.

TAX SALES—RECORDS OF—CERTIFICATES OF.

SEC. 22. The city treasurer shall attend said sale and act as auctioneer. Said auctioneer shall sell all lots or parcels of real estate so advertised upon which the assessments and costs remain unpaid at the time of selling. The said city treasurer shall enter in the book provided for that purpose a description of the real estate sold, the name of the purchaser and the amount of his bid, and shall make out and deliver to such purchaser a certificate containing a description of the real estate purchased by him, the amount of the assessment due, and the cost due, each separately, and the amount of his bid, which certificate shall contain a statement that said purchaser will be entitled to a deed of the real estate described therein at the expiration of one year from such sale, unless the same shall sooner be redeemed. The city treasurer shall receive any assessment, percentage and costs due, at any time before the sale of the real estate upon

Costs, before
sale, amount
of.

which the same was assessed. The costs, if paid before sale, shall be fifty cents on each parcel so paid, the costs of advertising and the fees for collection prescribed in said roll.

TAX SALES—PARCELS BID IN BY CITY—TRANSFER OF FUNDS.

SEC. 23. In case no person shall bid at such sale the amount of the assessments and costs on any lot or parcel so exposed for sale, the same shall be struck off to the city of Grand Rapids, and the city treasurer shall certify to the common council at its next regular meeting a statement of the lots or parcels so struck off to the city, the amount for which each lot or parcel so struck off was assessed, and the amount of cost chargeable to each lot or parcel. The common council shall order any such assessment, with the costs thereon, to be paid out of the general fund of said city, and the city treasurer shall thereupon transfer from the general fund to the proper special fund the amount specified in said order.

TAX SALES—REAL ESTATE TO BE SOLD TO HIGHEST BIDDER, ETC.

Proviso.

Surplus, where
deposited.

SEC. 24. All real estate offered for sale for unpaid assessments under the provisions of this title shall be offered and sold to the highest bidder: Provided, That no bid shall be received for a less amount than the assessment, and collection fees added, and the costs of sale and advertising together with all other costs and charges legally chargeable against said real estate under the provisions of this title. In case a greater amount is bid for any lot or parcel of real estate, and the same is sold, than the amount of the assessment and costs and charges against the same, the surplus shall be deposited with the city treasurer, whose duty it shall be to keep the same for the benefit of the person or persons entitled thereto.

TAX SALES—PROVISION IN CASE AMOUNT BID EXCEEDS TAX.

Proviso,
may require
bond of
indemnity.

SEC. 25. In case any person or persons entitled to said surplus money shall present to the common council sufficient proof by affidavit, and such other proof as may be required by said common council, of his right thereto, and the common council shall be satisfied that the person claiming the same is lawfully entitled thereto, it shall order a warrant to be drawn upon the city treasurer in favor of said claimant for the amount thereof: Provided, That said common council may, if it deem the same expedient, before it shall allow such claim, require of such claimant a bond of indemnity to the city of Grand Rapids in a penal sum of at least twice the amount of such surplus money claimed, with good and sufficient sureties to be approved by the common council,

conditioned to save the city of Grand Rapids harmless against all suits and proceedings, damages, costs and charges, which may be brought, recovered, sustained or in any wise incurred by reason of allowing or paying over such surplus money to such claimant, which bond, if approved shall be filed with the city clerk: Provided, That the city of Grand Rapids shall in no case be liable to pay interest on any surplus money deposited as aforesaid. Proviso.

TAX SALES—REDEMPTION OF.

SEC. 26. Any distinct parcel of real estate sold under the provisions of this title may be redeemed at any time within one year from the date of sale thereof by paying to the city treasurer the amount for which it was sold, together with one per cent. of such amount to be added thereto for each month from the date of sale until the time of redemption thereof.

TAX SALES—RECORDS OF.

SEC. 27. Said city treasurer shall keep and preserve in his office all books, papers and documents in relation to such assessments, the sale of real estate for the non-payment of the same and any redemption thereof, and the same shall be prima facie evidence of the matters contained therein.

TAX SALES—DEEDS FOR.

SEC. 28. In case said lands shall not have been redeemed as aforesaid, it shall be the duty of the mayor of said city to execute and deliver to the purchaser a deed of the premises, which deed shall be in substance as follows:

"Whereas, on the day of A. D. 19 at a public sale made by the treasurer of the city of Grand Rapids, for assessments duly assessed by said city for the following purposes, A..... B..... became the purchaser of the following described real estate, to wit:

.....

 for the sum of dollars, that being the amount of the assessment, costs and interest of the

Now, therefore, know all men by these presents that I, mayor of said city, in consideration of the premises hereby grant, bargain, sell and convey unto the said A..... B..... his heirs and assigns, all right, title and interest obtained by the city in said sale in the real estate above described, as so purchased by him, to have and to hold the same to the said, his heirs and assigns forever.

Witness my hand and the seal of said city this day
of A. D. 190.....”

TAX SALES—DEEDS FOR.

SEC. 29. Deeds on all sales under this title shall be acknowledged as other conveyances, and when executed and acknowledged as aforesaid, shall vest in the purchaser the title to said land, and such deeds shall be prima facie evidence of the existence and regularity of all such prior proceedings leading up to said sale. Such deeds shall be countersigned by the comptroller.

**ASSESSMENT ROLLS—FILING OF—COPIES—WARRANT—CORRECTION
OF ERRORS.**

SEC. 30. The assessment rolls made pursuant to the provisions of this title shall be filed in the office of the city clerk, and a true copy thereof shall be made to which the warrant of the mayor shall be annexed for the collection thereof. In case of the loss or destruction of the said copy, a new one may be made to which the warrant of the mayor shall be attached and such new copy shall be as valid for all purposes as the first copy would be had full proceedings been taken under it. If any assessment made for any improvement under this title and herein provided for be set aside or adjudged void or illegal by a court, or otherwise, or if there are defects or errors in respect to the roll itself, or in the proceedings prior thereto, the common council may by order set aside the same, and go back far enough to correct the proceedings and make a new roll.

ASSESSMENT ROLLS—COLLECTION OF.

SEC. 31. In proceeding to collect an assessment upon a roll made as aforesaid the city treasurer shall credit on such roll all sums paid by any person, and shall mark “paid” all the real estate or any distinct parcel thereof, which is separately assessed upon which the assessments have been paid, and shall then proceed to collect the unpaid assessments thereon in the manner directed in his warrant. The city treasurer shall make return thereof in the manner hereinbefore directed in reference to other assessment rolls.

**ASSESSMENT ROLLS—EXTENSION OF TIME FOR COLLECTION OF—
UNPAID ORDERS ON, ETC.**

SEC. 32. The common council may at any regular meeting, by a vote of a majority of all the aldermen-elect, extend the time for the collection of any assessment roll in pursuance of the provisions of this title, from time to time, beyond the time fixed in the warrant of the mayor and upon

the granting of such extension, the provisions of this title shall apply to said roll in the same manner, as near as may be, as if such extension had not been granted, and like proceedings shall be taken thereunder. The city of Grand Rapids shall be liable for interest at the legal rate per cent. on all orders which shall have remained unpaid for four months after the date of issue: Provided, That said orders shall have been presented to the city treasurer and payment thereon demanded in which case it shall be the duty of the city treasurer to endorse on the back of said order "Presented for payment," and also the date of such presentation and demand, which endorsement shall be signed by the city treasurer in his official capacity. PROVISO.

ASSESSMENT ROLLS—ALIAS WARRANT.

SEC. 33. If for any reason not going to the validity of such assessment roll the time for the collection of any assessment thereunder shall expire before all the assessments therein contained shall have been collected, the common council, by a vote of a majority of all the aldermen-elect, may instruct the mayor to attach an alias warrant thereto and fix the time for the running of such alias warrant, which said alias warrant shall be the same in form and substance as the original warrant, except that it shall be therein indicated to be an alias warrant, and shall command the city treasurer to collect the balance of said assessments then remaining uncollected, as are collectible, under the provisions of this title, and the powers, duties and obligations of the city treasurer under the alias warrant shall be the same as they were under the original warrant.

CITY TO PURCHASE LANDS AT TAX SALES.

SEC. 34. The city of Grand Rapids is hereby authorized and empowered to purchase all parcels of land which shall be advertised and offered for sale under the provisions of this title which shall not be sold as aforesaid, and in case the same is not redeemed as provided by law, to receive a deed thereof, and to hold, occupy and enjoy, use, possess, lease and convey the same as fully and as completely as a natural person might or could do.

TAX DEEDS TO CITY.

SEC. 35. Whenever any lots, parts of lots or parcels of land shall be struck off to the city of Grand Rapids as provided in the preceding section, and the same shall not have been redeemed within the time hereinbefore provided, a deed or deeds shall be made to the city as near as may be in the form prescribed hereinbefore, and such deed so executed and

acknowledged shall vest the fee of the land described therein in the city of Grand Rapids, divested of all prior claims and encumbrances.

PROTECTION OF CITY'S TITLE IN EQUITY.

SEC. 36. The city of Grand Rapids may maintain an action of ejectment to recover possession of any lands to which it may have obtained title at any tax sale or sales, against any person in possession thereof claiming adversely. The city of Grand Rapids being in possession of any of said lands to which it has obtained title as aforesaid, may file a bill in equity in the proper court to quiet and establish its title, and free the same from cloud against any person or persons claiming an interest therein hostile to the city's title.

COMPTROLLER TO LEASE AND NEGOTIATE SALE OF PROPERTY PURCHASED BY CITY.

SEC. 37. It shall be the duty of the city comptroller as soon as the city of Grand Rapids obtains title to any real estate under the provisions of this title, to lease the same upon the best terms he can secure for a period of time not exceeding three years, unless further time be authorized by the common council, reserving in such lease the right of said city to sell the real estate embraced therein at any time during the continuance thereof. It shall also be his duty to negotiate terms of sale for such real estate, and to report such terms to the common council, and if the common council shall approve thereof, it may order a conveyance to be made in accordance therewith.

COMPTROLLER TO REPORT LIST OF REAL ESTATE OWNED BY CITY AND COLLECT RENTS DUE ON SUCH LANDS.

SEC. 38. It shall be the duty of said city comptroller to report in writing to said common council at least once in six months and as much oftener as the common council shall require, a particular description of all the real estate owned by the city in pursuance of the provisions of this charter, and if any of said real estate is leased, he shall so state in his report to the common council, and the terms of such lease or leases, and also the amount realized on the same respectively. It shall also be his duty to attend to the collection of the rents due on such parcels of land, and he shall pay all sums so collected without delay to the city treasurer.

COMPTROLLER TO PROTECT CITY'S TITLE BY PURCHASES AT OTHER SALES, ETC.

SEC. 39. Said city comptroller shall as far as possible protect the title of the city to said real estate, and for that

purpose shall purchase the same at any sale for State, county or municipal taxes or assessments, when advisable, and the said city is hereby authorized to become the purchaser of such real estate at any such sale.

MONEY PAID ON ACCOUNT OF REAL ESTATE TO BE PLACED IN
GENERAL FUND.

SEC. 40. All moneys received on account of real estate owned by said city, the title to which is vested in the city in pursuance of the provisions of this title, shall be paid into the city treasury, and placed in the general fund.

PAYMENT OF AMOUNT BID AT A TAX SALE—FORTY-EIGHT HOURS'
TIME—PROVISION IN CASE OF NON-PAYMENT.

SEC. 41. The purchaser at a sale made in accordance with the provisions of section twenty of this title, shall, if the city treasurer requires it, make immediate payment of the amount of his bid, and in case of his neglect or refusal to make such payment, the treasurer may declare the bid canceled, and offer the real estate for sale again. In case any person neglects or refuses to pay any bid made by him as aforesaid, he shall not thereafter be entitled to bid further at said sale. In all other cases the purchaser shall pay the amount of his respective bids within forty-eight hours after the sale is closed. In case any purchaser shall fail to pay the amount of his bid within forty-eight hours any other person paying such amount shall have a certificate of sale issued to him in accordance with the provisions of section twenty-two of this title; but if no such person pays such amount said real estate shall be set down as struck off to the city of Grand Rapids in the same manner and to the like effect as if there had been no bidders for such real estate at such sale.

PURCHASERS BEFORE RECEIVING TAX DEED—TO PAY ALL PREVIOUS
UNREDEEMED TAX SALES.

SEC. 42. If in any event it shall occur that any real estate is advertised for sale under the provisions of this title and shall be struck off to a purchaser other than the city of Grand Rapids, and at the same time the whole or any part thereof, has heretofore been struck off to the city of Grand Rapids on account of any previous unpaid tax or assessment, and the whole of such real estate, or any part thereof as aforesaid, shall remain unredeemed from such previous unpaid tax or assessment at the time that said purchaser on the sale first hereinbefore mentioned shall become entitled to receive a deed of said real estate, he shall before receiving said deed, pay to the city treasurer the full amount of all such previous unpaid taxes and assessments, costs and

charges, for which said real estate or any part thereof shall have been struck off to the city of Grand Rapids, and which remains unredeemed as aforesaid, anything in this title to the contrary notwithstanding. All bids made at any sale of real estate as provided for in this section shall be deemed to be made subject to the provisions thereof.

CORRECTION OF ERRORS IN DESCRIPTIONS OF REAL ESTATE.

SEC. 43. Whenever the common council shall discover that any real estate on which any tax or assessment remains unpaid has been so imperfectly or erroneously described that the same cannot in its opinion be located with certainty, or that the sale thereof would not convey to the purchaser a valid title to the real estate intended to be charged with such assessment by reason of the imperfect or erroneous description thereof, the common council shall by an order entered in its minutes, accurately describe such real estate intended to be charged with such tax or assessment, and shall direct the city treasurer to correct the assessment roll on file in his office containing such imperfect or erroneous description so as to make it correspond with the accurate description contained in said order of the common council, and thereupon all copies of such assessment roll required by the provisions of this act to be made shall be made to correspond therewith as corrected: Provided, That no such imperfect or erroneous description shall be corrected until the owner of the real estate shall be notified of such intended correction by a printed or written or partly printed and partly written notice, either served upon him personally, or by leaving the same at his place of abode with some suitable person of proper age and discretion at least three days before such correction shall be made. In case such owner is a non-resident of the city, such notice shall be published in one of the newspapers of the city at least three days before such correction shall be made.

Provido,
owner of real
estate to be
notified of
intended
correction.

SALE OF BUILDINGS, ETC., ON PROPERTY TAKEN FOR OPENING
STREETS, ETC.

SEC. 44. Whenever in the laying out, establishing, opening, extending, widening or straightening any highway, street, avenue, lane, alley, public ground or spaces in said city, any buildings or parts thereof, or other appurtenances to the realty shall be taken and condemned, it shall be the duty of the common council of said city to dispose of the same either at public or private sale as soon as possible after the title is vested in the city for the best price that can be obtained therefor, and distribute the net proceeds thereof among the persons whose property were assessed for the benefits received in making such improve-

ment, in proportion to the amount collected of them for such benefits, and pay the same to such persons on demand after such sale and the receipt of the proceeds thereof: *Provided,* however, That when any part of the damages and compensation is assessed to the city of Grand Rapids a pro rata share of such proceeds shall be paid into the general fund of said city.

ERRORS AND OMISSIONS IN MAKING ASSESSMENTS, ETC., NOT TO
DEFEAT CITY IN COLLECTION OF TAX.

SEC. 45. No mistake or error in the proceedings in regard to the opening or improvement of streets, avenues, public ways or alleys or in the construction of sewers, or in the assessment or collection of costs or expenses thereof, or in the proceedings for the assessment or collection of municipal taxes in said city, or any irregularity in any special or city tax roll by reason of the proceedings therefor not being had within the time required by law, or the property having been assessed to the wrong owner, or any irregularity, informality or omission or want of any matter of form or substance in the proceedings that does not prejudice the property rights of the person whose property is taxed, shall defeat the city in the collection thereof; but any such errors may be corrected on equitable principles under the direction of the common council of the city, if discovered before suit is brought thereon or by the court after suit is instituted, and the equitable amount due the city may be enforced as though no such error had occurred. All proceedings in assessing and levying taxes for special improvements and the sale and conveyance of land thereunder shall be presumed by all courts of this State to be legal until the contrary is affirmatively shown. The absence of any record of any proceeding or proceedings, or the omission of any mention in any record of any vote or proceeding or of mention of any matter in any statement or certificate that should appear therein, under the provisions of this act, or of any law of this State, shall not affect the validity of said proceedings, tax or title depending thereon, provided the fact that such vote or proceeding was had or tax authorized is shown by any other record, statement or certificate made evidence by the terms of this act, or any other law of this State. No special tax or proceedings leading up to such tax or sale of property for said tax shall be rendered or held invalid by showing that any record, statement, certificate, affidavit, paper or return, cannot be found in the proper office; and unless the contrary is affirmatively shown the presumption shall be that such record was made and such certificate, statement, affidavit, paper or return was duly made and filed.

Errors may be corrected.

Absence of record of proceedings not to affect validity.

ASSESSMENTS AGAINST RAILROAD PROPERTY, ETC.

SEC. 46. All freight houses, roadbeds, rights of way and other premises belonging to any steam railroad or railroad corporation or company within the corporate limits of the city of Grand Rapids, which are necessarily used in the operating of the respective franchises of the owners of said railroads, and the person, company or corporation owning the same are liable for all valid unpaid assessments for public improvements hereafter made within the city of Grand Rapids and assessed against the same, but no lien shall attach thereon on account of such assessments and the payment of such assessments shall not be enforced and collected by sale of said property. Assessments of such classes of property shall be made in the same manner as the assessments of other property under the charter of said city for special improvements, and the assessment roll for such special improvement taxes shall be prima facie evidence in any court of the regularity of all proceedings leading up to the assessment and the making of said roll.

COLLECTION OF ASSESSMENTS AGAINST RAILROAD PROPERTY.

SEC. 47. All special assessments made as aforesaid against the property of said railroad companies, and the owners thereof, for public improvements, and all installments thereof together with the interest, costs and charges thereon for enforcing the collection of the same, are hereby made and declared legal demands against each and every of said railroad or railway corporations or companies against whose property such assessments are made in favor of the city of Grand Rapids, and if any of said railroad or railway corporations or companies shall fail to make payment thereof within the time payment is required of such special assessments under the roll on which they are extended, then the city of Grand Rapids may institute an action in assumpsit or other proper legal action in any court of competent jurisdiction against the owners of said properties, and if judgment be rendered thereon in favor of said city of Grand Rapids, the same may be collected on execution out of any property of said railroad or railway corporations or companies liable to levy and sale on execution.

HIGHWAY DISTRICTS—FUNDS FOR AND USE OF SAME.

SEC. 48. Each of the several wards of said city shall constitute a separate highway district, and each district shall have its separate highway fund, and it shall not be lawful to expend any portion of the highway tax authorized by this act except in the highway district in which it was raised. The money paid into the city treasury to the credit of the several highway funds shall not be used for any other pur-

pose. The money so collected and paid into the city treasury under the provisions of this section, shall be credited to the several highway funds and be expended under the direction of the common council by such person or persons and under such regulations as the common council may determine and adopt in the care, maintenance, cleaning and sprinkling of the streets, highways, alleys, lanes, courts, public places and public grounds in the city. Nothing herein contained shall be construed to authorize the use of such highway money in the grading and paving of any street, highway, alley, lane, court, public place or public ground in the city.

HIGHWAY COMMISSIONERS TO MAKE REPORTS, ETC.

SEC. 49. The person or persons appointed by the common council to superintend the expenditure of highway funds of said city, shall at the regular meeting of the common council in each week make a full report of his or their doings and expenditures of such funds during the previous week with vouchers for the same verified by oath or affirmation, and if such statements and reports of expenditures shall be satisfactory to the common council, it shall order the payment thereof out of the proper highway funds of the city.

RELATIVE TO BORROWING MONEY FOR HIGHWAY PURPOSES.

SEC. 50. The common council may borrow on the credit of the city for highway purposes any sum necessary for immediate use not exceeding two thousand dollars in any one year, and at a legal rate of interest, which shall be paid from the highway tax of the district for which it was borrowed.

SEWER DISTRICTS—FUNDS FOR AND USE OF SAME.

SEC. 51. All that portion of the city of Grand Rapids lying on the east side of Grand river and south of Fulton street shall constitute the first sewer district of said city; all that portion of said city lying on the east side of Grand river and north of Fulton street shall constitute the third sewer district of said city; and all that portion of said city lying on the west side of Grand river shall constitute the second sewer district of said city. Each sewer district shall have its separate sewer fund and it shall not be lawful to expend any portion of the sewer fund authorized by this act, except in the sewer district in which it was raised. The amount paid into the city treasury to the credit of each of said sewer funds shall not be used for other purposes.

TITLE VII.

BOARD OF ASSESSORS.

APPOINTMENT OF—TERM OF OFFICE—SALARY OF.

SECTION 1. There shall be three assessors in the city of Grand Rapids who shall be appointed by the mayor and known as "The board of assessors of the city of Grand Rapids," each of whom shall hold his office for the term of three years and until his successor is appointed by the mayor and duly qualified, and whose powers and duties shall be as hereinafter provided. Each assessor shall receive a salary not exceeding eighteen hundred dollars per annum, to be fixed by the common council of said city, payable monthly out of the same fund and in like manner as other city officers are paid. The member of said board of assessors whose term of office shall soonest expire shall be the president of said board. Said board of assessors shall have an office furnished for it by the city of Grand Rapids in the city hall of said city. The assessors shall devote their entire time to the duties of their office. They shall ex-officio be members of the board of supervisors of the county of Kent, but shall not have the right to vote on said board.

ASSESSMENT OF REAL AND PERSONAL PROPERTY.

SEC. 2. Said board of assessors shall before the first Monday in April of each year assess at its true cash value all the real and personal property subject to taxation by the laws of this State in each ward of said city.

POWERS OF.

SEC. 3. Said board of assessors shall have power to demand of every person owning or having in charge as agent or otherwise, any taxable property in any ward of said city, a list of all such property, with such description as will enable it to assess the same; and every cashier or other officer of any bank, trust company or corporation, shall furnish on demand of said board a complete list of all the stockholders owning shares of stock in such corporation or company and the amount of stock owned by each, and the residence of each stockholder, when known. If such list is not furnished by such person, cashier or other officer, or if any property in such ward is omitted from such list, then said board of assessors shall have the power, and it shall be its duty to place upon the assessment roll such property to be assessed as said board of assessors, using its best knowledge and information, shall deem the same liable to assessment.

NOTICE TO TAXPAYERS OF TIME APPOINTED FOR APPEALS FROM
ASSESSMENTS—MANNER OF MAKING APPEAL—WHEN ROLLS
ARE TO BE RETURNED TO COUNCIL—EMPLOYMENT OF
HELP BY BOARD.

SEC. 4. It shall be the duty of said board to cause notice to the taxpayers to be published in two newspapers in said city for ten days prior to the first Monday in April in each year, that the assessment rolls will be completed and open for inspection on said first Monday of April and that said board will sit at its office in the city hall to hear appeals from the assessments in said rolls for ten days, beginning the first Monday of April; that any person considering himself aggrieved by reason of any assessment, may complain thereof by an appeal in writing which shall be filed with said board during said ten days and not thereafter. Every such appeal shall be in writing and state specifically the grounds of appeal and matters complained of, and no other matters shall be considered by said board. The date of the receipt and filing of such appeal shall be endorsed thereon and signed by one of said board in his official capacity, and it shall thereupon become a part of the official records of said board. The said board shall review the assessments complained of and alter or correct the same as to the persons charged thereby, the property described therein and the estimated value thereof. No appeal shall be allowed in whole or in part without the concurrence of a majority of said board. After having completed the review and correction of said assessment rolls, the said board shall sign the same and add thereto its certificate that the same has been duly completed. On or before the fourth Monday in April in each year, said board shall return said assessment rolls to the common council of said city. Said board of assessors in performing the duties required in this act shall have power to employ such clerks as may be necessary, the salaries of whom shall be fixed by the common council, to be paid from the contingent or general fund.

Appeal, what
to contain.

May employ
clerks.

COMMON COUNCIL AS BOARD OF REVIEW—APPEALS TO COUNCIL
FROM ACTION OF BOARD.

SEC. 5. After receiving said assessment rolls from the board of assessors, said common council acting as a board of review, shall at its next regular session, and at such other sessions as may be necessary, proceed to consider the same, and any person considering himself aggrieved by the assessment of his property and the decision of said board of assessors thereon, may appeal to said common council acting as such board of review. Every such appeal shall be identical in matter with that filed in the board of assessors office, and shall be in writing, and state specifically the grounds

of appeal and the matters complained of, and no other matters shall be considered by the common council acting as such board of review. Such appeals shall be filed in the office of the city clerk within five days after the return of said assessment rolls to the common council, and the city clerk shall endorse thereon the date of the receipt and the filing of the same, and thereupon such appeals shall become a part of the official records of his office. The common council acting as a board of review shall have power to administer oaths and examine witnesses in the same manner as is now, or hereafter may be, conferred upon township boards of review by the general tax laws of this State: Provided, That no appeal shall be entertained by said common council acting as such board of review, unless the same shall have first been brought to the attention and consideration of said board of assessors as aforesaid. Whenever said common council shall sit as such board of review, said board of assessors shall be notified, and it shall be the duty of each assessor to attend such session or sessions, and each assessor may make such suggestions as he may desire, and shall answer such questions as may be put to him by the members of the common council, acting as such board of review, relating to the matters under advisement by said board of review.

Proviso.

When board of assessors to be notified.

POWERS OF COUNCIL IN ADJUSTING APPEALS OR ADDING OF ADDITIONAL ASSESSMENT.

SEC. 6. The common council, acting as such board of review, shall hear and determine all appeals in a summary manner and correct any clerical error which it may discover in the assessment roll and any error alleged in any appeal that may be well founded, and may place thereon the names of any person or persons and description of any property not already assessed, and may assess the same.

NOTICE TO BE SERVED WHEN INCREASE OR ADDITIONAL ASSESSMENT IS MADE.

SEC. 7. No assessment shall be increased or property added to said assessment roll except on written or printed, or partly written and partly printed, notice to the person to be affected thereby. Such notice shall, in case of a resident of said city, either be served personally upon him, or by leaving the same at his place of abode with some suitable person of proper age and discretion at least three days before such action is taken thereon by said common council acting as a board of review: Provided, That in case of a non-resident of said city such notice shall be published in two newspapers of said city at least three days before any action is taken by such common council acting as such board of review.

Proviso.

LIMITING OF TIME TO COUNCIL AS BOARD OF REVIEW—MAJORITY
VOTE MAY CONFIRM ROLLS—MAYOR TO HAVE DECIDING
VOTE ONLY.

SEC. 8. The common council acting as such board of review, may continue the consideration of such assessment rolls and the hearing of such appeals from session to session, not exceeding fifteen days from the time when the same are first taken under consideration, as herein provided, and a vote of two-thirds of the members of such acting board of review shall be necessary to change any assessment made by said board of assessors on which an appeal has been taken. On or before the expiration of said fifteen days said assessment rolls, as changed or corrected, if any change shall be made, shall be finally confirmed by said common council, acting as such board of review, and shall be the basis of all taxes to be levied and collected in the city of Grand Rapids according to the property valuations therein stated, until another assessment shall have been made and confirmed as herein provided: Provided, That in finally passing upon said assessment rolls, a majority vote of the members of said common council acting as said board of review, shall be sufficient to confirm the same; and in case of a tie vote, the mayor of said city, who is hereby authorized and empowered in all cases to preside over said common council while acting as such board of review, shall have the deciding vote thereon, but in no other case shall the mayor have a vote in the action of said common council as a board of review. Proviso.

CITY CLERK TO KEEP RECORD OF SESSIONS OF BOARD—MANNER OF
FINAL DELIVERY OF ROLLS BY HIM TO BOARD OF ASSESSORS.

SEC. 9. The city clerk of said city of Grand Rapids shall be the clerk of said common council acting as such board of review, keep the records of its sessions and proceedings and such other records as are necessary to be kept, and it shall be his duty to attach his certificate under the seal of the city of Grand Rapids, to said assessment rolls after the same shall have been finally confirmed by said common council, acting as said board of review, certifying that such assessment rolls have been acted upon and confirmed by said common council as a board of review, and thereupon it shall be his duty to redeliver said assessment rolls to said board of assessors.

COMMON COUNCIL TO DETERMINE AMOUNT OF BUDGET—CITY
CLERK AND ASSESSORS' DUTIES.

SEC. 10. It shall be the duty of the common council on or before the third Monday in May in each year, to determine by resolution the amount necessary to be raised for city, highway and other municipal purposes, for which said city

may legally raise money by tax, for the ensuing year commencing July first of each year, and it shall be the duty of the clerk of said city to certify under his hand and the seal of said city the amount to be raised, to the board of assessors within five days thereafter, and it shall be the duty of said board of assessors to apportion the amount so to be raised among the several wards of said city according to the property valuation appearing upon the assessment rolls of the several wards as finally confirmed by said common council, and thereupon the board of assessors shall assess the amount so apportioned as hereinafter provided.

MAKING OF THE CITY TAX ROLLS—AND DELIVERY OF SAME.

When rolls to
be delivered to
treasurer.

SEC. 11. After the amount of taxes to be raised has been certified to the said board of assessors, it shall be the duty of said board of assessors to make copies of said rolls and to cause the amount of all taxes authorized to be assessed and collected in each year, to be ratably assessed upon the property therein described upon and according to the value thereof as assessed in said assessment rolls. Said assessment rolls shall be known as "The City Tax Rolls," and shall show in separate columns the property assessed, the name of the person to whom assessed, the assessed value and the amount of the city, highway and other municipal taxes. Said rolls shall be completed, footed, balanced, signed, certified by the board of assessors and delivered to the treasurer of the city before the first day of July thereafter, and the said board of assessors, within the time aforesaid, shall annex their warrant to each of said city tax rolls, signed by the members of said board and directed to the city treasurer, commanding him to collect from the persons named in said city tax rolls the taxes therein set forth in accordance with the mandate of the law in relation thereto and take the receipt of the city treasurer therefor. The board of assessors shall at the same time deliver to the comptroller a statement showing the amount of taxes assessed upon each of said rolls, and the comptroller shall make an entry thereof in the books of his office, and charge the gross amount thereof to the treasurer.

ADVERTISING OF ROLLS AND COLLECTIONS BY TREASURER—TIME
LIMIT—PERCENTAGE.

SEC. 12. Upon receipt of said city tax rolls by the city treasurer as herein provided, the taxes therein stated shall become a debt due and payable to the city of Grand Rapids, and the city treasurer shall forthwith upon the receipt of such city tax rolls give six days' notice by publication in two newspapers of said city and also by posting the same in at least six public places in each of said wards of said city (which notice shall be a sufficient demand for the payment

of all taxes assessed in said city tax rolls), that the same have been deposited with him and that payment of the taxes therein specified may be made to him at any time before the last day of February following thereafter. That no addition will be made to taxes paid before the first day of August thereafter, but that an addition of one per cent. on every unpaid tax will be made thereto on that day, and a like addition of one per cent. on the first day of each month thereafter until such addition shall amount to six per cent. of such tax: Provided, That when a person shall, on or before the twenty-fifth day of July, hand to the city treasurer a list of the property on which he wishes to pay the taxes and shall not be able to pay said taxes before the first day of August, on account of a pressure of business in the city treasurer's office, then he shall not be charged any percentage if he pays said taxes by the tenth day of August of said year. Proviso.

DUTIES OF TREASURER—BONDS, ETC.

SEC. 13. The treasurer of said city shall collect all taxes including taxes for local improvements assessed upon the whole city or parts or portions thereof, and for that purpose shall give a bond or bonds to said city in such sum and with such sureties as the common council shall require and approve; and such treasurer of said city shall give to the treasurer of the county of Kent, such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State; and for the purpose of the collection and return of all such taxes including taxes for State and county purposes and the return of property delinquent for the non-payment of taxes, the said city treasurer on giving bonds or security so required, shall possess all of the powers and exercise and perform all of the functions and duties of the several township treasurers of this State, as now exist or may hereafter be prescribed by law, and shall also perform such other duties respecting the collection and return of taxes and special assessments, as this act imposes.

POWER TO LEVY FOR UNPAID TAX, ETC.

SEC. 14. On or before the first day of August in each year, and at any time until the taxes hereinbefore mentioned are paid, it shall be the duty of the city treasurer and the clerks and subordinates in his office, designated by him for that purpose, to collect all unpaid taxes which are assessed against any property of whatever nature other than real estate, and if necessary, the said treasurer shall have power to levy upon and sell at public sale any property of any person refusing or neglecting to pay such tax. Whenever any such property is levied upon as aforesaid three full days' notice of any such sale shall be given by the said

treasurer, by publication in two newspapers of said city and by posting the same in three public places in the ward wherein such person resides, and any surplus money remaining after the payment of the tax and all interest and charges thereon and all costs and charges of such sale, shall be paid over to the owner of such property or person entitled to receive the same. The city treasurer shall also have the additional power in the name of the city of Grand Rapids to commence an action in assumpsit, or other proper action, in the superior court of said city, against any person neglecting or refusing to pay such tax and to whom the same is legally assessed, and enforce any judgment obtained against any such person as the result of such action, by an execution issuing out of the court in which such judgment may have been obtained. Said city treasurer shall also use and take all lawful ways and means provided by law for the collection of debts, to enforce the collection of any such tax. The assessment or tax rolls in all cases and under all proceedings provided for in this section shall be prima facie evidence of the indebtedness of any such person and the regularity of the proceedings by which such tax was assessed.

WHEN TAXES BECOME A LIEN—TO TAKE PRECEDENCE.

SEC. 15. Every tax levied or imposed by authority of the common council, in accordance with the provisions of this act, except where otherwise provided, shall constitute a charge against the person or persons to whom assessed, from the date of the delivery of the city tax rolls to the city treasurer; such tax shall also, together with all interest and charges, become and remain until paid a lien on the land and tenements, and upon the personal property against which the same is assessed, on and after the day of the delivery of said tax rolls to the city treasurer. The lien against such personal property shall take precedence over any sale, assignment, chattel mortgage, levy or other lien upon any such personal property, except the sale of goods, wares and merchandise of a merchant made in the due course of trade or the sale of personal property to a bona fide purchaser without notice, whether such sale, assignment, chattel mortgage, levy or other lien upon such personal property was made before or after such tax was assessed.

REMOVALS FROM WARD—TREASURER TO COLLECT WHERE LOCATED.

SEC. 16. In case any person upon whom any tax may have been assessed in any ward of said city for personal estate, shall have removed out of such ward after such assessment, before such tax ought by law to be collected, it shall be lawful for the treasurer of said city to levy and collect such tax of the goods and chattels of the person so assessed in any township of the county of Kent, or in any

ward of said city to which such person shall have removed, or in which he shall reside or may have personal property.

PERSONAL TAX—TREASURER MAY SUE FOR NON-PAYMENT OF.

SEC. 17. Whenever any tax shall hereafter be assessed on any city assessment roll or be placed upon any tax roll, for city, highway, sewer, or other municipal purposes, on personal property, in any ward of said city, and shall be returned for non-payment, it shall be lawful for the treasurer of said city, in the name of the city of Grand Rapids, to sue the person or persons against whom such tax was assessed before any court of competent jurisdiction, and to take all lawful means provided by law for the collection of debts, to enforce the payment of any such tax, or it shall be lawful at any time after such return for the common council of said city to direct such personal tax, so returned, to be reassessed by the board of assessors, upon the personal or real estate of such person or persons against whom the same was originally assessed.

PROPERTY LIABLE TO SEIZURE UNDER EXECUTION ISSUED. UPON JUDGMENT RENDERED.

SEC. 18. Executions issued upon judgments rendered for any such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of taxes by supervisors under the general tax laws of this State, as now, or at any time hereafter, in force; and the proceedings of an officer with any such execution shall be the same in all respects as are now provided by law.

ASSESSMENT OR TAX ROLLS AS EVIDENCE IN CASE OF TRIAL.

SEC. 19. The production of any assessment roll or tax roll on the trial of any action brought for the recovery of any State, county or school tax, or for the recovery of any city, highway, or sewer or other tax for city purposes, either special or general, therein assessed, may upon proof that it is the original assessment roll, or the assessment or tax roll, with the proper warrant annexed, of any of the wards of said city of Grand Rapids, containing any such tax, be read and used in evidence; and if it shall appear from such roll that there is a tax assessed against the defendant in such suit, it shall be prima facie evidence of the legality and regularity of the assessment of the same, and the court before whom the case may be pending, shall render judgment against the defendant for all the taxes appearing upon said roll to have been assessed to said defendant, unless he shall make it appear that he has paid such tax, and no stay of execution shall be allowed on any such judgment.

TREASURER'S DUTIES ON RECEIPT OF PAYMENT FOR TAXES—UN-
DIVIDED INTERESTS DISPOSITION OF—RETURN OF UNPAID
ASSESSMENTS—PUBLICATION OF.

SEC. 20. Upon the receipt of any tax the city treasurer shall mark the same paid upon the proper roll and give receipt therefor. Any person owning an undivided share or other part of real estate assessed in one description may pay on the part thus owned an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall correctly describe the part on which he makes payment, and the receipt given and the record of the receiving officer shall show such description, and by whom paid. Any person having a lien upon real estate may pay the taxes thereon and the same may be added to his lien and recovered with the rate of interest borne by such lien. Upon the first day of January following the time when any tax shall become due and payable, the city treasurer shall add to every such tax six per cent. of the amount thereof as stated in the rolls, and the amount of such tax and addition hereinbefore specified shall thenceforth be the unpaid tax and bear interest from said last named day at the rate of ten per cent. per annum until paid.

PUBLIC SALE OF PROPERTY FOR UNPAID TAX—TIME AND PLACE.

SEC. 21. Owners or parties having legal interest in any real estate assessed under the provisions of this title shall be liable to pay every tax regularly assessed thereon, and if the same shall not be paid by the first day of March following the assessment of the same, it shall be the duty of the city treasurer to cause a notice to be published in one of the newspapers of said city at least once a week for four successive weeks requiring the owners or parties having a legal interest in such real estate, to pay such tax, together with all interest and charges thereon, and if default shall be made in paying of the same, such real estate shall be sold at public auction on the second Monday in April thereafter at nine o'clock in the forenoon of that day at the court house in said city, or as soon thereafter as the description of such real estate shall be reached in the course of sale, at the highest price that shall be bid for the same for the payment of such tax together with all interest, costs and charges thereon. Such sale shall be continued from day to day, Sunday and legal holidays excepted, from the hour of nine o'clock in the forenoon until the hour of twelve o'clock noon, and from the hour of one o'clock in the afternoon until five o'clock thereafter of each day until all lands covered by such delinquent taxes are sold.

COST OF ADVERTISING LIMITED, PER DESCRIPTION, ETC.

SEC. 22. The costs of the advertising provided for in the preceding section shall in no case exceed the sum of forty cents for each description of real estate advertised, and shall be paid out of the general fund, not otherwise appropriated. Each description of real estate shall be separately exposed for sale for the total amount of the tax, interest, costs and charges thereon, and shall be sold to the person who bids the highest price for such real estate: Provided, That no bid shall be accepted for less than the amount of such tax, interest, costs and charges thereon including the costs of sale.

REDEMPTION OF PROPERTY SOLD AT PUBLIC SALE—WHEN TIME
FOR EXPIRES—FORM OF DEED TO BE ISSUED BY CITY
TO PURCHASER.

SEC. 23. If the owner or persons having a legal interest in any such real estate does not pay such assessment or tax with all interest and charges thereon within the period above prescribed for the publication of such notice, then it shall be the duty of the said city treasurer to cause such real estate to be sold at public auction to any bidder to pay said tax, together with all interest and charges thereon and the costs and charges of said sale, and to execute the proper certificate to the purchaser thereof. If there shall be a sum bid for any such real estate in excess of said tax, and of the interest and charges thereof and all costs and charges of sale, the excess thereof shall be deposited with the city treasurer to be disposed of as hereinafter provided. If such real estate shall not be redeemed within one year after such sale thereof as hereinafter provided, the mayor of said city shall in the name of the city, execute and deliver to such purchaser or his assignee the proper deed of conveyance of such real estate, which deed shall be prima facie evidence of the regularity of all proceedings under which said sale is made and deed executed. The said deed shall be substantially as follows: "Whereas, on the day of A. D., at a public sale, made by the treasurer of the city of Grand Rapids, for taxes duly assessed by the said city of Grand Rapids, for the following purposes (stating purposes for which the assessment was made), A..... B..... became the purchaser of the following described real estate, namely (describe real estate), for the sum of dollars, that being the amount of the tax, interest, costs and charges thereon. Now, therefore know all men by these presents, that I, C..... D....., mayor of said city, in consideration of the premises, do hereby grant, bargain, sell and convey unto the said A..... B....., his heirs and assigns, the real estate above described, as so pur-

Form of deed.

chased by him, to have and to hold the same to the said A..... B....., his heirs and assigns forever.

Witness my hand and the seal of the city this day of A. D. 19....

Signed, sealed and delivered in the presence of

C..... D.....

Mayor of the city of Grand Rapids.

DEEDS TO HEIRS OR ASSIGNS.

SEC. 24. In all sales of real estate for taxes as aforesaid, if the purchaser or his assigns shall have died before a deed of conveyance of the same shall have been issued and delivered to said deceased purchaser or his assigns, such deed of conveyance shall be issued in the name of the deceased purchaser or his assigns, as the case may be, and the same shall be delivered to his or their heirs or devisees, but if delivered to the heirs or devisees of such deceased purchaser, it shall be subject to the legal claims of all his creditors. In case the executor or administrator shall have assigned such certificate of purchase, then such deeds of conveyance shall be issued and delivered to the person to whom such assignment shall have been made, but subject to the legal claims of all the deceased's creditors.

WHEN CITY TO BECOME PURCHASER AT SALE—CONDITIONS WHEN CITY MAY ASSIGN TO OTHERS.

SEC. 25. Such public sale shall be conducted by the city treasurer, but no sale shall be made to any person of real estate, unless such person shall bid the amount of the tax and all interest and charges thereon including the costs and charges of sale. In case no person shall bid the amount of such tax and all interest and charges thereon, together with all costs and charges of sale the said real estate shall be struck off to the city of Grand Rapids, and the city shall thereby become the purchaser of such real estate. In case any purchaser of such real estate, or any part thereof, upon any such sale shall refuse or neglect to pay the amount bid by him within twenty-four hours after the time at which such sale was made, any other person who is willing to immediately pay the amount of such bid and take the interest in such real estate which such purchaser was to have for such bid, shall be entitled to have a certificate of sale made out, executed and delivered to him of such interest in such real estate by the city treasurer; otherwise such bid shall enure to the use and benefit of the city of Grand Rapids, and the city shall be the purchaser thereof for the amount of the tax, interest and charges with the costs and charges of sale.

TAX SALE CERTIFICATE ISSUED BY TREASURER.

SEC. 26. A certificate shall be given by the city treasurer to each purchaser of any interest in real estate on such sale, containing an accurate description of the interest so purchased, the year and the tax for which such purchase was made, the amount of such tax, interest and charges thereon, with the costs and charges of sale; the date of sale, and also stating that such purchaser will be entitled to a deed thereof within one year from the date of such sale. The city treasurer shall date and sign said certificate.

DEEDS AS PRIMA FACIE EVIDENCE.

SEC. 27. Deeds for all sales for taxes assessed on real estate under this act shall be witnessed and acknowledged and when so witnessed and acknowledged and delivered shall vest the title in fee to such real estate in the purchaser thereof or his heirs or assigns, and such deed of conveyance shall be prima facie evidence of the existence and regularity of all prior proceedings that might be otherwise required to be proven in order to establish the title in the purchaser thereof.

BIDS IN EXCESS OF CLAIM—BALANCE TO REVERT TO PROPERTY OWNER UPON PROOF— BOND OF INDEMNITY.

SEC. 28. In case a greater amount is bid for any real estate and the same is sold, then the amount of such tax or assessment, interest and charges thereon, and costs and charges of sale, shall be deposited with the city treasurer, whose duty it shall be to keep the same for the benefit of the persons entitled thereto. Any person entitled to such excess shall present to the common council of said city, proof by affidavit, and such other evidence as the common council may require, of his claim thereto, and the said common council, if satisfied that the person claiming the same is lawfully entitled thereto, shall order a warrant to be drawn upon the treasurer in favor of such person for the amount thereof, which warrant shall be signed by the clerk of said city and countersigned by the city comptroller, and shall be paid by the treasurer upon presentation of the same: Provido. Provided, That the said common council may, before it shall allow such claims or order it to be paid, require of such persons a bond of indemnity to the city of Grand Rapids in a penal sum of at least twice the amount of the excess claimed, with good and sufficient sureties, to be approved by said common council, conditioned to save the city harmless and indemnify it against all suits and proceedings, damages, costs and charges which may be brought, recovered, sustained or in any wise incurred by reason of the allowing or paying over such excess to such person: And provided further, That the city of

Grand Rapids in any case shall not be liable to pay any person claiming such excess any interest thereon.

REDEMPTION AFTER SALE—RATE OF INTEREST.

SEC. 29. Any real estate sold under the provisions of this act, or any distinct parcel thereof which is separately assessed, may be redeemed at any time within one year after the date of sale of the same by paying to the city treasurer the amount for which it was sold with interest at the rate of eight per cent. per annum; and said treasurer shall keep account of such payments in books to be furnished and kept in his office as official records thereof, which books shall be prima facie evidence of the matters hereby required to be entered therein.

MONEY ACQUIRED FROM SALE OR REDEMPTIONS—TO BE PLACED IN GENERAL FUND.

SEC. 30. All moneys realized from the sales of any property together with that received from the redemption of real estate, both as hereinbefore provided in this title, shall be received by the treasurer of said city and placed to the credit of the general fund.

TREASURER TO CERTIFY TO COMMON COUNCIL PARCELS OF LAND STRUCK OFF TO CITY.

SEC. 31. In case the city of Grand Rapids shall become the purchaser of any real estate, on the sale thereof for an unpaid tax, as hereinbefore provided, the city treasurer shall certify to the common council of said city at its next regular meeting, a statement of the parcels so struck off to the city, and the amount of the tax for which such parcels so struck off were assessed, together with all interest and charges thereon, and the costs and charges incurred on account of the sale thereof.

BOOK OF REDEMPTIONS.

SEC. 32. After the sale of said real estate by the city treasurer, for an unpaid tax as aforesaid, he shall enter the same by identical description as sold in the books kept by him for redemption purposes, as hereinbefore provided, and the same shall become a part of the records in his office.

REAL ESTATE ASSESSMENTS—EXEMPTIONS—PARK AND PUBLIC PROPERTY NOT EXEMPT FROM STREET IMPROVEMENT.

SEC. 33. All sums of money directed to be raised by the common council, except as in this act otherwise provided, shall be assessed upon all the real estate and personal prop-

erty in the city not exempt from taxation by the general statutes of the State, and upon all the personal property of residents of the city not so exempt, according to the valuation thereof by the last preceding assessment rolls filed in the office of the board of assessors, but no real estate or personal property which shall be exempt from taxation by the general statutes of this State, nor any public square, park or other public ground shall be assessed for the ordinary State, county, city, highway, sewer or school taxes: *Provided, however,* That the provisions of this section shall not prevent the assessments and the collection thereof to defray the expense of street and other improvements upon real estate deemed to be benefited according to the provisions of Title six of this act.

BOARD OF ASSESSORS TO MAKE COPIES OF ROLLS—ATTACHING OF WARRANT—TREASURER TO COLLECT.

SEC. 34. It shall be the duty of said board of assessors to make copies of all assessment rolls as finally confirmed by the said common council of the city of Grand Rapids, while so acting as a board of review, as herein provided, upon which assessment rolls said board shall ratably assess the State, county and school taxes as provided by the general laws of the State. When said assessment rolls shall have been finally completed, footed and balanced by said board of assessors, it shall attach to each of said rolls its warrant, signed by the members of said board, and deliver the same with such warrants so attached to the treasurer of said city within the time prescribed by law for the completion and delivery of the township rolls to the respective township treasurers of the State. Upon the receipt of such assessment or tax rolls with the warrant so attached it shall be the duty of the treasurer of said city to collect the taxes on said rolls assessed as aforesaid, and to return the same to the treasurer of Kent county within the time prescribed by law, in like manner as the same is now or may hereafter by law be required in warrants of township treasurers for the collection of taxes in townships of this State.

OFFICE AND HOURS FOR RECEIVING OF TAX MONEYS.

SEC. 35. The treasurer of said city shall have an office for the receipt of all taxes and assessments payable to him, which office shall be open from eight o'clock in the forenoon until noon, and from one o'clock in the afternoon until five o'clock thereafter of each secular day not a legal holiday, of the time during which any tax roll shall be in his hands for collection. Upon the receipt of any tax roll for State, county or school taxes he shall give notice thereof in two newspapers, published and circulated in said city, for at least ten days next after the first publication of said notice, and by

printed notices posted in at least five public places in each ward of the city; which notices shall describe such tax roll, the general nature of the taxes therein contained and name the location of his office: Provided, That the common council, can, by resolution duly entered in its minutes, order the said office to be kept open at such other hours as it may deem best.

Proviso.

STATE, COUNTY AND SCHOOL TAX—INTEREST ADDED TO, ETC.

SEC. 36. For the collection of all State, county and school taxes the city treasurer shall be entitled to add to all such taxes collected by him the same interest, collection fees and charges as are now, or hereafter may be provided by the general tax laws of the State, for interest, collection fees and charges on township tax rolls when collected by the township treasurers of this State: Provided, however, That all collection fees and charges which are now or may hereafter be by the general tax laws of the State, payable to the township treasurer to his own use, shall, when collected by the said city treasurer, be by him paid into the general fund of said city for the use of said city.

Proviso.

MANNER OF COLLECTION OF TAXES.

SEC. 37. The city treasurer of said city of Grand Rapids, and all his clerks and subordinates whose duty it shall be to collect such State, county and school taxes, shall use all legal means to collect the same within the time fixed by law. The city treasurer shall credit all school moneys in any manner received by him to the school fund of the city.

CITY TREASURER TO REPORT TO COUNCIL SALE OF LAND—COLLECTION OF REDEMPTIONS BY COUNTY TREASURER.

SEC. 38. Two weeks before the date of sale of any real estate upon which the city has any prior claim or claims, the treasurer shall report to the common council a list of the parcels of such real estate and the amount for which said property is to be sold and also the amount of such prior claim. The city treasurer shall also attend to the collection and payment into the proper fund of the city treasury of all moneys received by the county treasurer on account of the redemption of real estate sold for all previous delinquent taxes.

BOARD OF ASSESSORS—TERM OF OFFICE—MAYOR TO APPOINT SUCCESSOR.

SEC. 39. The present board of assessors of the city, as constituted at the passage of this act shall be and remain the acting board of assessors of the city and continue to dis-

charge all the duties and functions thereof, subject to the provisions of this act: Provided, That whenever the term of office of any member thereof shall expire, his successor shall be appointed by the mayor, and those who are so appointed shall serve with the present members of the board whose terms of office shall not have expired, until the same shall expire. Proviso.

BOOKS OF RECORD TO BE RETAINED IN OFFICE.

SEC. 40. All books, papers, assessment rolls and records formerly belonging to the offices of the respective supervisors of the several wards of the city, or of the present board of assessors of said city, shall be kept in the office of the board of assessors, and all future original assessment rolls shall be placed therein and remain and be a part of the official records thereof.

TAX HISTORY—MAKING OF BY CITY TREASURER, DISPOSITION OF FEES.

SEC. 41. It shall be the duty of the city treasurer of said city upon request made by any party for a certified tax history of any parcel of land within the city covering all general or special city tax sales, or claims for city, general or special taxes, to prepare and certify such a tax history, and charge the party requesting the same the sum of twenty-five cents for each parcel, which fee shall be paid into the city treasury for the benefit of the general fund.

TITLE VIII.

BOARD OF PUBLIC WORKS.

PERSONNEL—APPOINTMENT OF—TERM OF OFFICE.

SECTION 1. There shall be a board of public works in said city composed of five members, all of whom shall be qualified electors of the city, to be appointed by the mayor. No more than three members thereof shall be appointed from any one political party. The members of said board as now constituted shall continue to hold their respective offices for their full terms and until their successors are appointed and qualified in the manner provided for in this title. In the making of the first appointments hereunder the respective appointees shall be selected for such terms as may be necessary to constitute a board wherein one member's term shall cease at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years and one at the end of five years, and such appointments shall be made with reference to the terms of the present members

of the board at the time this act goes into effect. The full term of each member of the board of public works hereafter appointed shall be five years.

ACCEPTANCE AND OATH OF OFFICE—FILING OF—CITY CLERK TO REPORT.

SEC. 2. Any person appointed to and accepting membership on said board shall take the constitutional oath of office and file the same with the city clerk within the time provided in this act, which filing shall constitute an acceptance of the office; and said clerk shall thereupon report such acceptance of office to the common council at its next regular meeting.

NO SALARY TO MEMBERS.

SEC. 3. The members of said board shall serve without salary.

ELECTION OF ITS PRESIDENT—MAKING OF ITS OWN RULES, ETC.—
COUNCIL TO PROVIDE FOR EXPENSES—DISQUALIFICATION BY ELECTION TO OTHER OFFICE.

SEC. 4. Said board shall annually elect one of its members president thereof. It shall have power to make such by-laws, rules and regulations as may be necessary for the conducting of the business of the board and which shall not be inconsistent with the provisions of this title. The common council shall provide said board with suitable offices and supplies for its work. All necessary expenses incurred by said board shall be presented to the common council and allowed and paid in like manner as other similar accounts against the city. The election of any member of said board to any office under the charter of said city shall vacate his position upon said board.

RECORDS AND QUORUM.

SEC. 5. The board of public works shall keep a record of its proceedings and determination and therein shall be shown the vote of each member voting upon every question brought before and decided by said board, which record shall at all times be open to public inspection. Three of the members of said board shall form a quorum for the transaction of business, but it shall require the concurrent votes of at least three of the members of the board to decide questions before the board.

SECRETARY AND GENERAL MANAGER AND COMPENSATION. BONDS MAY BE REQUIRED OF ANY EMPLOYEES.

SEC. 6. The board of public works shall appoint some suitable person as secretary thereof and shall fix his com-

pensation at a sum not exceeding one thousand five hundred dollars per annum, which compensation when so fixed shall be audited and paid as the salaries of the city officers are audited and paid. Said board may also appoint a deputy secretary with power to discharge the duties of secretary in his absence or on account of disability on the part of said secretary to discharge such duties, and fix his compensation. Said secretary in person or by deputy shall attend upon the sessions of the board and keep a record of its proceedings and affairs and discharge such other duties appertaining to such records and affairs as the board may require. Said board of public works may, if it shall so determine, make such secretary the general manager of the entire affairs of the board of public works and the executive officer thereof, and in case such action is taken the city engineer, superintendent or superintendents of the water works and electric lighting plant or other public utilities, and all agents and employees of the board shall be under his control and direction, subject to the supervision of the board of public works. And in the event of said board of public works creating the office of general manager in connection with that of secretary of the board, it may fix his salary at a sum not to exceed four thousand dollars to be paid as above provided. The board of public works may require any person employed by it to give bond to the city of Grand Rapids in such penalty, and with such sureties as said board shall fix and approve, for the faithful performance of such services and duties as may be required of them by the board and to pay over all moneys which shall come into the hands of such employee.

When secretary may act as general manager.

APPOINTMENT OF ENGINEER—SUPERINTENDENT OF WATER WORKS, ELECTRIC LIGHT OR OTHER PLANT AND TERMS OF, TO BE REPORTED TO COUNCIL.

SEC. 7. Whenever the board of public works shall appoint a city engineer, superintendents of the water works, electric lighting plant or other plant, secretary or deputy secretary, as provided for in this title, it shall be its duty to report the name of each of the persons appointed and the terms of his appointment to the common council within ten days thereafter.

BOARD TO DETERMINE GRADE LINES OF STREETS, ETC.—RECONSTRUCTION OF SIDEWALKS, ETC., LIEN ON PROPERTY—ITS DUTY TO LOCATE NECESSARY MAIN AND LATERAL SEWERS, ETC., TO HAVE EXCLUSIVE CONTROL OF PUBLIC AND LOCAL IMPROVEMENTS.

SEC. 8. Said board of public works is hereby empowered to determine and establish the grade line of all streets, sidewalks, public places and public grounds in the city, and to compel the laying of all sidewalks in conformity with the

grade line thereof; and in case any sidewalk shall not be laid in conformity with such grade line by the owner or occupant of the property, said board of public works shall remove such walk and rebuild the same in accordance with the grade line so established, and the cost thereof shall be a charge against the adjoining property and become a lien thereon to be enforced in accordance with the provisions of Title VI. of this act in relation to the construction and repair of sidewalks. It shall be the duty of said board of public works to establish the grade line for sidewalks on any unimproved street at the request of any owner of the adjoining premises. It shall be its duty to locate all necessary main and lateral sewers, drains, culverts, vaults, arches and bridges, pipes, wells, pumps, filters, fountains and reservoirs in said city. It shall have the exclusive control of the construction of all public and local improvements after the same have been ordered by the common council and in accordance therewith, including the grading, graveling, macadamizing, paving, curbing, or otherwise improving the streets and other public places in the city, of all public and private sewers, sewage disposal plants, farms and pumping works; of all sidewalks, crosswalks, private driveways, bridges, elevated roads, railroads, viaducts and other like structures, and of all excavations in streets or other public places. The construction of private driveways from the gutters to the street line in any street which shall have been or may hereafter be improved, shall be done under the direction of and in accordance with the plans adopted by said board.

POWERS OF BOARD IN CONSTRUCTION AND REPAIR OF STREETS, ETC.,
WHEN BY COUNCIL DECLARED NECESSARY—TO BE PETITIONED
FOR BY MAJORITY OF OWNERS—PROVISO BY COUNCIL
INCLUDING THE LAYING OF SIDEWALKS AND SEWER
OR WATER CONNECTIONS IN PUBLIC IMPROVE-
MENTS.

SEC. 9. The board of public works shall have power to grade, gravel, raise, level, repair, mend, pave or cover with broken or pounded stone, plank or other material, all streets, alleys, lanes, highways, courts, public places and public grounds or sidewalks in the city, and such designated portions of any street, alley, lane, highway, court, public place or public ground in the city as the common council by a majority vote of all the aldermen-elect shall by resolution declare to be a necessary public improvement, whether the same has been previously graded, raised, leveled, repaired, mended, paved, or covered as aforesaid or not: Provided, That the common council shall not have authority to declare the grading, graveling, raising, leveling, repairing, paving or covering as aforesaid of any street, alley, lane, highway, court, public place or public ground, or designated portion thereof, a necessary public improvement, unless it shall have

Proviso,
as to petition.

been petitioned so to do by the owners of a majority of the foot frontage residing in the city, of all real estate on said street, alley, lane, court, highway, public place or public ground, or designated portion thereof, proposed to be improved, after the grade shall have been established. But this proviso shall not apply when the common council shall by an affirmative vote of five-sixths of all the aldermen-elect of said council declare such grading, graveling, raising, leveling, repairing, mending, paving or covering as aforesaid, a necessary public improvement: Provided further, That when the common council shall, in its resolution declaring the grading or paving of any street a necessary public improvement, also include as a part of such improvement the laying of sidewalks thereon, said board may construct sidewalks as a part of such improvement. It may also, in the same manner, include as a part of such improvement, the construction of water services from the water main to the street line.

Further
proviso.

**BOARD TO HAVE CHARGE OF MAINTENANCE OF STREETS, ALLEYS,
ETC., AFTER PERMANENT IMPROVEMENT—PROVISION
FOR EXPENSE.**

SEC. 10. The said board, after the permanent improvement of any street, avenue, alley or public place, shall have charge of its maintenance and the making of all repairs thereon, the cost and expense thereof to be provided for by the common council.

**BOARD'S POWER TO REGULATE MANNER OF CARRYING OUT OF
ORDINANCES BY COUNCIL—FOR MAINTENANCE, ERECTION OR
REMOVAL OF POLES, WIRES, CABLES, LAYING OF TRACKS,
CONDUITS OR SUBWAYS, MANNER AND CHARACTER
OF RAILS, CONFORMITY OF GRADES, OPENING OF
STREETS, LAYING DOWN OF PIPES, ETC.**

SEC. 11. Whenever the common council shall by ordinance authorize, or has heretofore authorized, the erection, maintenance and removal of poles, wires and cables for telephones, telegraphs, electric lights, electric railways, electric motors or any other purpose, or the laying down of tracks and turntables for street cars or other railways, and the laying of wires and underground conduits or subways for the same, in, under, upon or over the streets, alleys or public parks and public grounds in said city, or in, under, over or upon any lands owned by or under the control of said city, whether they be inside the limits of said city or not, the board of public works shall have the powers and authority to regulate the manner of carrying out the provisions of any such ordinance, and may, pursuant to ordinance, require all wires and cables to be laid in such conduits or subways; and may pursuant to ordinance regulate the kind, manner and character of the rails to be used by street railway companies and other railway

companies within the limits of said city; and shall require all companies building and operating such roads to conform to the street grades in all streets wherein the same are operated; and may fix and regulate pursuant to the ordinances or resolutions of the common council the opening of street surfaces and the places and manner of laying down and taking up all motor, gas, steam, sewer and other pipes and wires placed in the streets and other public places in said city.

**PUBLIC BUILDINGS AND UTILITIES—BOARD TO HAVE CHARGE OF
ERECTION AND CONTROL—EXCEPTIONS—APPOINTMENT
OF ENGINEERS, ETC.**

SEC. 12. Said board shall have charge and control of the erection and construction of the city hall, public market buildings, electric light buildings and other public buildings or structures, excepting engine houses and school houses in said city. Said board shall have charge and control of the erection, maintenance and operation of electric or other lighting plants and of all public utilities hereafter acquired unless otherwise provided; it may employ and fix the compensation of a superintendent or superintendents thereof, and such assistants as it may deem necessary. It shall have in relation to such plants, utilities and employes, the same powers and duties, as far as applicable, as are hereinafter given said board in relation to the water works of said city.

**ADVERTISING FOR PROPOSALS FOR STREET IMPROVEMENTS—SUPPLY-
ING OF WATER OR LIGHT AND OTHER PUBLIC UTILITIES,
ACCEPTANCE AND REJECTION OF BIDS, CONTRACTS AND
SECURITY—WHEN WORK MAY BE DONE BY BOARD,
REPORTS TO COUNCIL CONCERNING SAME.**

SEC. 13. In the erection of public buildings and the grading, graveling, paving, planking or covering with other material any street, highway, lane, alley, court, public place or public ground, and in constructing main and lateral sewers, drains and other public works, utilities or improvements, including works for supplying the city with light and water, said board shall advertise in two daily newspapers of the city for at least one week for proposals to execute the work and for materials according to the plans and specifications adopted by the board and make contracts in writing, which must be approved by the common council, with any responsible bidder: Provided, Said board shall require security for the performance of the proposals tendered to said board, if the bid is accepted, and security for the performance of any contract entered into. Said board shall have the right to reject any and all bids made, and in case all bids are rejected the board shall readvertise for proposals to execute the work and for materials, but in case all the bids received exceed the detailed estimate of the cost of such work submitted by the city en-

Provido,
security.

gineer at the time of receiving such bids, the board may re-advertise for proposals to execute the work and for materials, or perform such work and furnish the materials therefor itself without further advertising; and if the latter method shall be adopted, it shall be the duty of said board to communicate in writing to the common council at its earliest opportunity its determination so to do, and after the completion of such work at its earliest opportunity the board shall make an itemized report in writing to the common council of all money expended by it in prosecution of such work and the purchase of such material, stating therein for what particular purpose said money was expended: Provido, advertisement of bids. Where such work is to be done, and the estimated cost of the same is less than five hundred dollars, the board of public works may or may not advertise for bids at its option, but in such event shall report its determination to the common council and proceed to have the work done and make an itemized report thereof in writing of the expense thereof to the common council, as in this section above provided, and report the same to the common council at its earliest opportunity after the work is completed.

APPROXIMATE AND FINAL ESTIMATES TO BE FURNISHED BY BOARD
—COUNCIL TO DETERMINE MATERIAL TO BE USED—
UNLESS MAJORITY OTHERWISE PETITIONED FOR.

SEC. 14. Previous to declaring any improvement a public necessity the common council shall request the board of public works to furnish an approximate estimate of the cost of making such improvement, and it shall be the duty of the board of public works in pursuance of such request to furnish such approximate estimate for the improvement named therein, and may accompany the same with its recommendation with reference to such improvement. But no estimate made more than one year prior to such declaration shall be deemed a compliance herewith. Whenever the common council shall by resolution declare any public work in said city a necessary public improvement, or shall order the construction of any work which is to be done by or under the charge and control of the board of public works, it shall be the duty of said board and said board is hereby authorized to determine and designate the particular kind and quality of all material to be used in the construction of said work as directed by the common council: Provido, majority owners of foot frontage. That if the owners of a majority of the foot frontage of any real estate on any street, alley, lane, court, highway, public place or public ground, or designated portion thereof, proposed to be improved, residing in the city of Grand Rapids shall in their petition to the common council for such improvement designate the character of the improvement desired by them, and such improvement shall be ordered by the common council as designated in said petition, then it shall be the duty of said board to substantially follow such designation. When the

board shall have determined and designated the kind and quality of all materials to be used in the construction of such work, it shall estimate the probable cost and expense of the same and of the materials to be used in detail, and cause to be prepared so far as may be necessary plans and specifications for such work, and report such estimate to the common council as a basis for assessing or otherwise raising according to law the funds necessary to enable the board to go forward and complete said work.

**MONEYS TO BE PAID ON CONTRACTS ONLY ON ESTIMATE FURNISHED
BY BOARD FROM FUND PROVIDED FOR.**

SEC. 15. All moneys appropriated by the common council shall be expended by said board for the purposes designated, so far as shall be necessary, and be drawn from time to time from the appropriate fund by order of the common council upon estimates of amounts earned, to be made by the board and reported to the common council in accordance with the terms of such contract, and no money shall be drawn from the city treasury under this title except upon the order of the common council.

**APPOINTMENT OF CITY ENGINEER AND ASSISTANTS, DUTIES,
SALARIES, ETC.**

SEC. 16. Said board shall appoint a city engineer and such assistants as may be necessary who shall receive such compensation for their services as may be provided and fixed by said board, not exceeding three thousand dollars per year for said engineer, which compensation so fixed as aforesaid, shall be audited, allowed and paid in the same manner as is provided for the auditing, allowing and paying the salaries of other city officials. Said city engineer shall perform such duties as pertain to the civil engineering profession and keep himself informed of the condition of all public streets, sewers and grounds, and all plans and specifications for the construction, improving or repairing thereof shall be made under his supervision, and he shall have supervision of all streets, sewers, and public property under the control of the board of public works, and the improvement and repairs thereof, except the water works and lighting plant, whether such work be done by contract or otherwise. He shall see that the provisions of all contracts, ordinances and regulations relating to the construction, improvement and repair of streets, sewers and all property herein designated are strictly complied with. He shall keep proper records of all matters relating to his office and report to the board of public works or other boards, commissions, or the common council, from time to time, such suggestions and recommendations in matters connected with his department as he may deem expedient. It shall be the duty of such engineer to perform such duties as may be re-

quired by him by the board of public works or common council and act as consulting engineer for all other boards and commissions authorized by this act or created hereafter in pursuance thereof. He shall receive no compensation or salary therefor other than his salary as city engineer.

BOARD TO REPORT PROGRESS, ETC., OF IMPROVEMENTS UPON RESOLUTION OF COUNCIL.

SEC. 17. The common council may at any time by resolution call upon said board of public works to furnish a statement showing the condition, progress and operation of any work or improvement being carried forward under the charge and control of said board, and it shall be the duty of said board to furnish said statement without unnecessary delay.

AUTHORITY AND POWER OF BOARD TO MAINTAIN AND CONTROL WATER WORKS—EXTENDING OF AND ADDING OF ADDITIONAL SUPPLY FROM IN OR OUT OF CITY.

SEC. 18. Said board of public works shall have charge and control of the maintenance and operation of the city water works, and it is hereby authorized and given authority, by and with the approval of the common council, to purchase or construct new, or maintain and extend existing water works to supply the inhabitants thereof with pure and wholesome water for the ordinary and extraordinary uses of the inhabitants thereof, the extinguishment of fires and such other purposes as the common council may prescribe. When the common council shall deem it for the public interest water works may be purchased within or without the corporate limits of the city, or may be constructed and maintained by the board of public works with the approval of the common council, beyond the corporate limits of the city; and in such case the common council shall have authority to enact and enforce beyond the limits of the city within the county or counties in which such works are situated, and over the buildings, machinery and other property belonging to and connected with such water works such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof, in the same manner and to the same extent as if they or it were within the city.

BOARD'S PRIVILEGES IN STREETS, ETC., PURCHASE OF MACHINERY, PURCHASING OR LEASING OF LAND, WATER WORKS, RIGHTS OF WAY AND PRIVILEGES, ON APPROVAL AND CONSENT OF COUNCIL.

SEC. 19. Said board of public works may determine the kind and quantity of power and machinery required therefor, the pipes, conduits and reservoirs to be used, and the manner and extent of distribution in said city; and with the consent

May erect and
maintain dam
in Grand
River.

and approval of the common council shall have the right to lay conduits, pipes, aqueducts or other necessary works over or under any water course, or under and along any street, alley, lane, turnpike, railroad or railway, within or outside said city, but not in such a manner as to obstruct the same, or impede or prevent travel thereon; and said board may at all times enter upon and dig up such street, alley, road or highway to lay pipes thereon or to construct works underneath the surface thereof; but it shall cause the surface of such street, alley, road or highway to be relaid or restored to its usual state, and any damage done thereto to be repaired, and such rights shall be continuous for the purpose of relaying or repairing water pipes upon like conditions. Said board of public works with the approval of the common council may lease and purchase lands, water works, rights and other privileges deemed necessary in effecting such supply. It shall have power to erect and maintain a dam in Grand river on or near the rapids thereof if found necessary, within the corporate limits of the city, in order to procure a sufficient supply of water for the use of the city and the citizens thereof. It may lay service pipes to each lot adjacent to the street when laying water mains therein or improving the same in such manner and places as said board shall deem necessary, and establish and erect fire hydrants, jets and fountains.

REPAIRS IN CASE OF ACCIDENT TO WATER WORKS.

SEC. 20. Whenever the water works or other works under the control of the board of public works shall be injured or impaired by accident or otherwise, said board shall have power by and with the written consent of the mayor filed with the city clerk, to repair or reconstruct said works by contract or otherwise, when in the opinion of said board, such repair or reconstruction is immediately necessary, and the interests of the city will be jeopardized by delay. In case said board shall repair or reconstruct any work as aforesaid, it shall without delay make a full report to the common council of the nature and extent of such repair or reconstruction with an itemized statement of the cost thereof, and thereupon it shall be the duty of the common council to provide means to meet the cost thereof in the manner provided by law.

REPAIR AND EXTENSION OF MAINS—ISSUE OF BONDS FOR SAME.

SEC. 21. Said board in its discretion shall have power to repair, extend and improve the main and distributing pipes in the city and all other parts of the water works of the city, and may also provide an additional supply of water as the same shall be needed whenever requisite means are provided for that purpose. Whenever said board shall deem such work necessary, it shall communicate its determination to the common council with its reasons therefor, and also a general plan

of the work proposed with an estimate of the cost thereof, whereupon the common council is authorized to borrow such money on the faith of the city for the purpose of defraying the expense of such work as it may deem expedient, not exceeding such estimate, for a term not exceeding twenty years at a rate of interest not exceeding five per cent per annum, and for such purpose may issue the bonds of the city, signed by the mayor and countersigned by the comptroller, and in such forms and sums as the common council shall direct, and such bonds shall be disposed of under the direction of the common council or of the mayor, upon such terms as may be deemed advisable, but not for less than the par value thereof, and the avails shall be applied to such purposes and for no other purpose: *Provided*, That nothing in this section contained shall be so construed as to authorize the incurring of any bonded indebtedness against the city in excess of that authorized by this act for any of the purposes aforesaid, unless the qualified electors, voting upon such question, shall have authorized the issuing of said bonds by a majority of their votes cast thereon at any regular election or at a special election called for the purpose of voting upon such question.

APPROPRIATION OF PRIVATE PROPERTY, COUNCIL TO PROVIDE MEANS, ETC.

SEC. 22. In case it shall be necessary in the judgment of the board of public works, such contemplated action being approved by the common council, to appropriate private property either within or without the city, for the construction, maintenance or due care and operation of the water works, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public uses: *Provided*, That before any contract for constructing, extending, repairing or improving said water works shall have been entered into, the common council shall legally provide the means to meet the estimated cost thereof in accordance with the provisions of this act for raising money.

BOARD TO TAKE PROPERTY REQUIRED FOR WATER SUPPLY, ETC., COMPENSATION FOR SAME.

SEC. 23. Said board for the city and under its direction, its agents, employees and workmen, are hereby authorized to enter upon any real estate or water within or without the corporate limits of the city for the purpose of making surveys and to agree with the owners of any real estate, property, rights or privileges, which may be required for the purpose of obtaining, or conveying a supply of water to, in or through said city, as to the amount of compensation to be paid said owner; and also for obtaining the right of flowage of water

Disagreement
between board
and owner.

upon real estate of any owner thereof and of erecting dikes thereon, and the compensation to be paid to the owner therefor. In case of a disagreement between the board and the owner of any real estate, property, rights or privileges which may be required for such purpose by any operation connected therewith, as to the amount of compensation to be paid such owner, or in case such owner shall be a minor, insane or a non-resident of the State, the same shall be reported to the common council by said board and thereupon said common council shall cause such proceedings to be instituted and prosecuted, in the name of and in behalf of said city, as are prescribed in this act or authorized by the general statutes of the State for the condemnation of real estate taken for public improvements.

AWARD OF DAMAGES.

SEC. 24. When the amount is found by the jury provided for in the preceding sections, the value of the land taken and reported as damages, such damages shall be paid into the city treasury for any such owner, and the common council shall have the right to accept so much real estate, property, rights or privileges as may be covered by the finding of the jury for all purposes contemplated by said proceedings, and the person in whose behalf such finding of the jury is made shall be entitled to draw the amount from the city treasury upon giving a receipt therefor expressing therein that such amount is in full for all damages sustained by him in the premises.

INJURY OF WORK, PROPERTY, ETC., POLLUTION OF WATER—PUNISHMENT FOR.

SEC. 25. If any person shall do or cause to be done any act whereby any work, material or property selected or used for the purpose of procuring or keeping a supply of water for the city, shall in any manner be injured, or shall pollute any such water, he shall be deemed guilty of a misdemeanor for each of such acts committed, and upon conviction thereof in any court of competent jurisdiction, he shall be punished by a fine of not less than five dollars nor more than five hundred dollars and costs of prosecution, or by imprisonment for not less than thirty days nor more than one year in the common jail for Kent county. In case such fine and costs are not paid such convicted person may be imprisoned in said jail for a period not to exceed thirty days if such fine and costs are not sooner paid.

TAPPING OF MAINS, ETC., WITHOUT AUTHORITY.

SEC. 26. No person shall without the authority of the board of public works through the authority delegated by it to any of its agents or employees, perforate or bore, or cause

to be perforated or bored, any reservoir, distributing pipe or main belonging to the water works of the city, or make or cause to be made any connection or communication whatever with said reservoir, distributing pipe or main, or dig up or molest the same. Any person offending in any of the matters aforesaid shall be deemed guilty of a misdemeanor for each offense so committed and subject to the fine, penalties and imprisonment imposed and provided for in the preceding section. Penalty.

No person shall interfere with the water works of said city or any part thereof, or in any manner diminish or prevent the supply of water for the extinguishment of fires in said city. Any person interfering therewith in the manner above mentioned shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to the same fine, penalty and imprisonment provided in the preceding section.

EMPLOYMENT OF HELP—RULES AND REGULATIONS REGARDING USE
OF WATER BY CONSUMERS, ETC.

SEC. 27. Said board shall have power to employ such agents, employees, and laborers as may be necessary in the care, management and maintenance of such water works, and fix their compensation; said board shall establish the rates to be paid by consumers of water, and make rules and regulations for connecting the water works with private property and in relation to the use of water supplied thereby to consumers and premises, and may deprive such customers and premises of a supply of water from such water works until all arrearages for water supplied are paid, and may also enforce the payment of the same by a suit commenced in the name of the city in any court of competent jurisdiction. All charges for water supplied to any consumer and to any premises under the rules and regulations aforesaid, and also the cost of the service pipes as provided for in this title shall be, in either case, a lien upon the premises to which said service pipe was laid until paid, and such lien may be enforced in manner and form as is provided for in this act for the construction and repair of sidewalks.

LICENSE OF PLUMBERS, DRAIN LAYERS, ETC.

SEC. 28. Said board shall also have power to license plumbers, drain layers, or other competent persons, to lay service pipes and lateral drains to connect with public water mains and public sewers, and no person shall dig or cause digging to be done in any street, highway, alley, lane, court, public place or public ground in said city, for the purpose of making such water or sewer connections, without first obtaining from said board a permit therefor. No person other than those holding an unrevoked license from the board shall extend or do any plumbing on any private pipe connected directly or indirectly with any public water main or public sewer, or con-

When license
may be
revoked.

nect any private pipe with any public water main or public sewer. In case any person holding a license from said board shall fail to comply with any of the rules, regulations or requirements made by said board applicable to person holding the same, such license may be revoked by said board.

EMPLOYEES TO REPORT TO BOARD—RESTORATION OF STREETS AFTER
DISTURBING SAME.

SEC. 29. All agents, superintendents and engineers in the employ of or licensed by said board, shall make report to said board of their doings from time to time, in accordance with such rules, regulations and requirements as said board may legally make in the premises, and in all things shall conform to such rules, regulations and requirements. The board shall have power to compel any person acting under authority from it, to restore any sidewalk, street, pavement, highway, alley, lane, court, public place or public ground that he shall dig up or disturb to a condition that shall be satisfactory to the city engineer.

POWERS REGARDING FULFILLMENT OF CONTRACTS.

SEC. 30. Said board shall reserve the right in all contracts to determine finally all questions as to the proper performance of such contracts and as to the completion of the work specified therein and in case of the improper, dilatory or imperfect performance thereof, to suspend the work at any time, to order the partial or entire reconstruction of the same, or to relet the work covered by such contract, or any unfinished portion thereof whenever from unreasonable delay in the work or for other just cause, it shall deem such contract forfeited, and power is hereby given said board to determine all such questions arising under any such contract according to the true intent and meaning thereof. Said board also reserves the right in all contracts when it shall become satisfied that the work provided for in any contract will not be completed within the time limited, to place additional men and teams on said work and supply additional material if necessary, and render such assistance as it may deem advisable for the completion of such contract, and all such costs and expense so made shall be charged to the contractor and retained by said board out of the contract price.

PROSECUTION FOR BREACH OF CONTRACT, GUARANTEE, ETC.

SEC. 31. Said board is hereby authorized to commence and prosecute, in the name of the city, any suit or proceedings for the recovery of any penalty or forfeiture incurred by any person under the provisions of this act, or for damages for breach of any contract authorized to be made and entered into by said board, or to enforce the performance of such

contract under the provisions of this title. Whenever any public street shall be improved and the contract for such improvement shall be accompanied by a guarantee for a year or more, said board of public works shall retain control of such street until the expiration of the time of such guarantee, so far as may be necessary to compel the contractor to carry out the provisions of such guarantee.

**PLATS OF REAL ESTATE TO BE APPROVED BY BOARD—GRADE LINES
TO BE ESTABLISHED.**

SEC. 32. In all cases where real estate in the city shall hereafter be subdivided into lots and blocks, or into lots or blocks, and into streets, highways, alleys, lanes, courts, public places or public grounds, the map of plat thereof shall be submitted to the board of public works for its approval, and no such map or plat shall be recorded or have any validity until approved by said board, and such approval shall be certified to by an endorsement on said map or plat signed by the president of said board, and a copy thereof shall be placed on file in the office of said board. The grade line of all such streets, highways, lanes, alleys, courts, public places and public grounds shall be established by said board immediately after such map or plat shall be recorded as aforesaid.

**RULES AND REGULATIONS REGARDING TAPPING AND MAKING CON-
NECTIONS WITH SEWERS.**

SEC. 33. The board of public works shall have authority to make and enforce such rules and regulations in reference to tapping and making connections with public sewers for draining lots or premises as it may deem for the public interest. Any person tapping or making connection with any public water main or public sewer, in violation of such rules and regulations, shall on conviction thereof, be liable to a fine not exceeding fifty dollars and costs, or imprisonment in the common jail for the county of Kent, for a period not exceeding thirty days. In case such convicted person does not pay the fine and costs as aforesaid, he may be imprisoned in said jail, for a period of not more than thirty days unless such fine and costs are sooner paid. He shall in addition thereto be liable to the city for all damages caused by such unlawful interference.

**DAMAGE TO PROPERTY UNDER CHARGE OF BOARD AND PROSECUTION
FOR SAME.**

SEC. 34. Whenever any damage shall be done by any person to any of the property under the charge and control of the board of public works, said board may cause suit to be brought against such person in the name of the city of Grand

Rapids, in any court of competent jurisdiction; and whenever any such suit shall be brought, it shall be the duty of said board to attend to the prompt prosecution thereof, and to see that any judgment obtained on account thereof shall be carried into effect. All moneys obtained because of any such suit, over and above the actual costs and expenditures therein, shall be immediately paid into the city treasury by said board and placed in such fund as the common council may direct. Said board shall make a detailed statement of the money received from said suit, and the costs and expenses thereof to the common council at its next regular session after the receipt of such money as aforesaid.

CONTRACTOR LIABLE FOR DAMAGE TO PERSONS OR PROPERTY—IN
CASE OF NEGLIGENCE TO PROPERLY GUARD.

SEC. 35. If any contractor shall fail to keep up sufficient fence or protection guards to prevent damage or injury to persons or property, or shall be guilty of other negligence in doing work under contract, and injury to persons or property shall occur by reason of such default or negligence, the contractor guilty of such default or negligence shall be liable to the person injured in person or property, for the damage sustained, to be recovered with costs in the proper form of action in any court of competent jurisdiction.

TITLE IX.

BOARD OF POLICE AND FIRE COMMISSIONERS.

GOVERNMENT AND DISCIPLINE VESTED IN.

SECTION 1. All the powers and duties connected with and incident to the government and discipline of the police and fire departments of the city shall be, as hereinafter provided, vested in and exercised by a board of five commissioners, to be known as "The Board of Police and Fire Commissioners" of the city of Grand Rapids, a majority of whom shall constitute a quorum for the transaction of business. Such board shall be appointed as hereinafter provided.

APPOINTMENT OF MEMBERS—TERMS OF OFFICE, ETC.—VACANCIES.

SEC. 2. The full term of each member of the board of police and fire commissioners shall be five years and until his successor is appointed and qualified. The members of said board of police and fire commissioners, under the charter provisions existing prior to the taking effect of this act, shall continue to serve out their respective terms after the taking effect of this act. The appointment of members of said board shall be made by the mayor, but no more than three

members of said board at any one time shall be of any one political party. Whenever the term of office of any member of the present board of police and fire commissioners shall expire, his successor shall be appointed by the mayor within twenty-one days thereafter, and his term of office shall date from the expiration of the term of office of the member whom he succeeds. Vacancies occurring in the present board or in any future board shall be filled for the unexpired term.

WHO ELIGIBLE AS COMMISSIONERS.

SEC. 3. Members of said board of police and fire commissioners shall serve without any compensation whatever. No person shall be eligible to said board unless he shall then be an elector and resident of the city, nor shall any person be eligible who holds any elective or political office, or any office by virtue of the appointment of the mayor or common council of said city, and any of said commissioners shall be deemed to have vacated his office in the event of his accepting or holding any such office in said city.

PRESIDENT AND SECRETARY OF BOARD—OFFICES—MEETINGS—RECORDS—CLAIMS AND ACCOUNTS AGAINST.

SEC. 4. The said board shall annually elect one of its members president thereof to act until his successor is elected, and shall fill any vacancy in such office as president. It shall appoint an elector of the city of Grand Rapids to be secretary of the board and fix his compensation. He shall hold his position during good behavior and efficient service, and shall be removed only for sufficient cause shown, by a majority vote of all the members of said board. It shall provide an office in the building used for the police court and police purposes for its use, and for the use of its secretary, and hold therein regular meetings at least once a week, and such special meetings as it may from time to time provide, and cause full and accurate records of the same and of all business transacted by the board to be kept by the secretary. It shall furnish such office with all the necessary furniture, record books, stationery, etc., for the use of the board. The secretary of said board shall keep a separate account of all expenditures ordered by the board, an account of the police and fire departments, and of all expenses incurred by the board in managing and maintaining said department. The board shall report to the common council monthly the conditions and needs of the police and fire departments and the probable expense of conducting each for the ensuing month, together with the number of men employed in each of said departments. Said board shall also certify from time to time, to the city comptroller, all claims, accounts and demands against the city for or on account of said police and fire departments, as shall have been approved by the board, and the city comp-

troller shall report the same to the common council for payment in all cases where the expenditure involved is included within the detailed annual estimate, and in all other cases he shall report the item to the common council for its action. Said board shall also report to the comptroller any claim or demand the validity of which may be in doubt. Said board shall also make recommendations on applications for saloon licenses as provided in Title III, section twenty-four.

CHIEF OF POLICE—SPECIAL POLICE, ETC.—SERGEANTS, CAPTAINS,
ETC.—COMPENSATION.

SEC. 5. Said board shall have full power to appoint a chief of police, to hold his position during good behavior and efficient service, and who shall be removed only for sufficient cause shown, by a majority vote of all of the members of said board. It shall also appoint police constables, police detectives, special policemen, additional policemen and watchmen, subject to such limitations and restrictions as to qualifications as are provided for in this act. It shall have power to appoint as many police constables and watchmen as it may deem necessary, but not exceeding three for every two thousand inhabitants of the city. It may designate one or more of the police constables to be sergeants, captains and lieutenants of police, and as such to exercise control of the police force as prescribed by the regulations of the board. Said board may fix the compensation of the chief of police and all persons appointed by it to serve upon the police force or in connection with it, as provided for in this title.

SEALER OF WEIGHTS AND MEASURES.

SEC. 6. The said board shall designate one of its police constables as a sealer of weights and measures, and such officer shall be known as the "Sealer of Weights and Measures." The said sealer of weights and measures shall devote his entire time to the duties of his office, and try and prove all scales, beams, weights and measures used in said city for the purpose of buying and selling, and shall perform all of the duties required by the ordinances of the city. It shall be the duty of said sealer of weights and measures to make complaint and prosecute for each and every violation of such ordinances or of the laws of the State of Michigan relative to weights and measures.

APPOINTMENT OF SPECIAL POLICE CONSTABLES, ETC.

SEC. 7. Said board of police and fire commissioners may appoint as many special police constables, with or without compensation, in times of special emergency, or in cases of danger from riot or other cause of alarm, as it may deem expedient, or as the common council or mayor may request.

Whenever it may seem proper to said board it may appoint any number of special police constables to do duty at any designated place within the city upon the application of any person or persons showing the necessity therefor, but at the expense of such person or persons. The special policemen so appointed shall perform duty only at the places designated by the board and shall continue in office only at the pleasure of the board for a term not exceeding one year. All persons appointed by the board under this section and the preceding section shall be citizens of the United States and shall have been continuous residents of the city for at least three months next preceding such appointment.

POWER AND AUTHORITY OF POLICE OFFICERS.

SEC. 8. The chief of police and police detectives not to exceed twelve, shall have and possess the power and authority usually conferred upon metropolitan police. They or either of them shall be authorized to serve any criminal warrant or process issued by the police court of the city of Grand Rapids or the superior court of said city, including writs of subpoena or other process in criminal or quasi criminal proceedings issued by said courts, in the same manner and with like authority as the sheriff of the county of Kent may serve such warrants, process or orders in any part of the State of Michigan. Whenever any crime shall have been committed in said city and the person or persons accused or suspected of being guilty of a felony shall flee from justice, the said officers shall have power, and it shall be their duty to pursue and arrest such accused or suspected person or persons anywhere within the State of Michigan, and return them to the proper court having jurisdiction of the offense, for examination or trial.

May serve
criminal
warrants, etc.

SEC. 9. The chief of police, police officers, police detectives, police constables and special policemen of said city in addition to the powers, duties and authority possessed by them at common law and the laws of this State, in matters of a criminal nature, shall have power to arrest without process all persons who shall in the presence of the arresting officer be engaged in the violation of any law or ordinance, and such persons may be detained in custody until complaint can be made and process issue for their arrest and trial; and it shall be the duty of such officer to make such complaint and procure such process in the proper court as speedily as possible after such arrest.

DISMISSAL OF MEMBERS OF POLICE FORCE, ETC.

SEC. 10. The said board of police and fire commissioners may whenever it shall seem to them in the interests of the service of the city, dismiss the chief of police for reasons hereinbefore provided, and may dismiss any other officer or member of the police force or watchman with or without

charges or trial, and no such dismissed person shall be entitled to any compensation after such dismissal, and such board may at pleasure change any member of said police department from one grade of service to another, and change the amount of compensation of any member of the department at any time, and suspend any member of the department with loss of pay for such time as it may fix.

**RULES AND REGULATIONS FOR GOVERNMENT AND DISCIPLINE OF
POLICE DEPARTMENT.**

Uniforms
and badges.

Supplies and
materials.

SEC. 11. Said board shall have power and it shall be its duty to make all such rules and regulations for the government and discipline of said police department as it may deem best calculated to secure thoroughness and efficiency. It shall prescribe suitable uniforms and badges for the several members of the department, and establish proper regulations for the care and management of such police stations as may be provided by the common council for the accommodation of the police force for the lodging of vagrants and disorderly persons and for the temporary detention of persons arrested for offenses. It shall purchase all supplies and materials needed for the use of the department. It may adopt such system of reports from the members of the force to the chief and from the chief to the board as it shall find desirable, and may in its discretion require a bond to the city from the chief or any member of the department as security for the proper performance of his duties. It shall prescribe the duties of the chief of police and of all regular and special police constables, and shall provide for the preservation of the public peace, the prevention of crime, the arrest of all offenders against the peace and good order of the city, and of all persons violating the ordinances of said city or the laws of the State. It shall provide for the protection of the rights of all persons and property, for the preservation of order at fires and at all railroad depots and steamboat landings, and shall cause the enforcement of all the ordinances of the city and the laws of the State. It shall be the duty of said board at all times whenever consistent with the regulations of the board and the provisions of this act, to furnish all information desired and comply with all requirements made by the common council of said city or the mayor thereof.

FIRE DEPARTMENT—CARE AND CONTROL OF.

SEC. 12. The board of police and fire commissioners shall have the keeping and custody of all engine houses, fire engines and apparatus, horses, hose, implements, tools, bells, bell-towers, fire alarm telegraph and all other property of whatever nature connected with the management of the fire department. The complete care and control of the fire department shall be vested in said board, and it shall be its duty to

maintain said department and keep the same in good order, and to preserve all rules and regulations for the government of the same, and may prescribe reasonable and legal fines and penalties for the breach of any of such rules or regulations on the part of its employes or appointees.

**APPOINTMENT OF FIRE MARSHAL, ASSISTANTS AND EMPLOYES—
RULES AND REGULATIONS TO BE PUBLISHED.**

SEC. 13. Said board shall appoint one fire marshal to hold his position during good behavior and efficient service, to be removed only for sufficient cause by a majority vote of the members of said board. It may appoint as many assistant marshals as it may deem necessary and a proper number of firemen, hook and ladder men, fire wardens and other employes, all to have the privileges and exemptions of firemen and to hold their appointments during the pleasure of said board. Said board shall from time to time, as it may deem proper, prescribe and publish in convenient form for use, a system of rules and regulations for the government of the fire department. All persons appointed by said board under the provisions of this section shall be citizens of the United States and continuous residents of the city of Grand Rapids for at least three months next preceding such appointment.

SALARIES OF FIRE MARSHAL AND EMPLOYES—BOND OF FIRE MARSHAL—BOARD TO HAVE POWER TO PURCHASE FIRE ENGINES, APPARATUS, ETC., AND TO REPAIR ENGINE HOUSES, BUT NOT TO PURCHASE REAL ESTATE.

SEC. 14. Said board shall fix the salary of the fire marshal and other persons connected with the fire department of the city and may require the fire marshal to execute a bond to said city conditioned as required in this act, and in such sum as it may deem best to secure the faithful performance of his duties. Said board shall have power to purchase all fire engines with their hose and apparatus, horses, hose carts, ladders, trucks, fire hooks, fire buckets and other tools, implements and conveniences for the extinguishment of fires and to prevent injuries by fires, as may from time to time be necessary, and repair or replace the same. It shall have power to make all needed repairs to any of the engine houses now built in said city, but it shall not have power to purchase real estate.

CONSTRUCTION OF ENGINE HOUSES—LOCATION OF SITES—FIRE DISTRICTS—INSPECTION OF BUILDINGS—CONTROL CISTERNS AND HYDRANTS—FIRE ALARM TELEGRAPH.

SEC. 15. Said board of police and fire commissioners shall control and manage the construction of engine houses in the city of Grand Rapids, and have the right to make contracts

therefor in the name of the city, subject, however, to be approved by the common council of the city, and power to locate sites for engine houses and police stations; to organize said city into as many fire districts as it may deem necessary; to prescribe rules for the inspection of buildings by fire wardens and prescribe the duties of fire wardens; to control the cisterns and hydrants in use by said fire department; to direct the manner in which the bells of the city shall be tolled or rung in case of fire or fire alarms, and to establish and maintain a system of fire alarm telegraph, and such other telegraphic or telephonic apparatus as may be necessary to secure the highest efficiency of the fire department.

FIRE MARSHAL TO HAVE GENERAL SUPERINTENDENCE OF FIRE APPARATUS AND FIRE DEPARTMENT EMPLOYES.

SEC. 16. The fire marshal under the direction of the board shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, horses, public cisterns, hydrants and other property and conveniences for the extinguishment and prevention of fires; and it shall be his duty to see that the same are kept in order, and to see that the rules, regulations and ordinances relative to the fire department and to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of the department, the conduct of the members thereof and such other matters as may be required by the rules and regulations, to the said board of police and fire commissioners.

DUTIES OF FIRE MARSHAL AND ASSISTANTS AT FIRES—REPORTS FROM FIRE MARSHAL—SENDING FIRE ENGINES OUT OF TOWN.

SEC. 17. Said board shall prescribe the duties of the fire marshal and other members of the fire department at fires and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires; but in no case shall any member of said board or any officer of the city control or direct the fire marshal or assistant during any fire. It may by rule provide for the removal and keeping away from fires of all idle, disorderly or suspicious persons, and may confer powers for that purpose upon the marshals, fire wardens or other officers of the city. It shall require reports from the fire marshal or other officers in charge of the department of all fires, fire alarms, losses and insurance on all property destroyed, and keep proper record thereof, and shall report the same monthly to the common council of said city. And it shall be competent for said board at any time if in its best judgment it seems proper, to send any steam or fire engine with hose and apparatus to the relief of any community in the vicinity of said city.

DESTRUCTION OF HAZARDOUS BUILDINGS IN CASE OF FIRE—DAMAGES FOR.

SEC. 18. Whenever any building in the city shall be on fire it shall be lawful for any fire marshal in charge at such fire, with the consent of the board of police and fire commissioners, to order such building or any part thereof, or any other building or any part thereof, not on fire, but which they may deem hazardous and likely to communicate fire to other buildings, to be pulled down and destroyed. In such case no action shall be maintained against any person or the city therefor. If any person pecuniarily interested in any such building destroyed shall consider that he has a claim against the city for the destruction of such building he shall, within three months thereafter, apply to the common council to assess and pay his damages.

TIME AND MANNER OF FILING SUCH CLAIM FOR DAMAGE.

SEC. 19. Such application shall be made in writing, signed and sworn to by the claimant and shall contain a statement of the amount claimed in detail, with the names of the witnesses by whom he proposes to establish his claim, and the provisions of this act applying to the filing of claims against the city of Grand Rapids for damages, and the proceedings to be taken thereon to determine the validity of such claims, shall be deemed applicable to such claim or claims. Said application shall be filed in the office of the city clerk who shall endorse on the back thereof the date of receipt and filing. Within three months after the filing of said claim the common council shall either pay the amount it and the claimant shall have agreed upon for damages, or if no such agreement shall have been effected, the common council shall proceed to determine the amount of such damages, if any, or reject such claim.

IN CASE OF SUIT TO RECOVER DAMAGES.

SEC. 20. If the common council shall reject any claim presented under the preceding section, the claimant may within three months thereafter, or within six months from the time of filing said claim, bring suit in the proper court against the city of Grand Rapids to recover his damages thereon, and in the trial of the issue made upon any such claim the court or jury shall take into account the probability of the building having been destroyed or injured by fire if it had not been so pulled down, and may decide that no damage should be allowed to such person; but if the judgment or verdict shall be against the city, then the amount thereof shall be paid by the city from its general fund to such claimant, either party to such issue having the right to appeal to the supreme court.

ENFORCEMENT OF ORDINANCES AND LAWS REGARDING PREVENTION
AND EXTINGUISHMENT OF FIRES.

SEC. 21. Said board shall see that all ordinances and regulations of the common council and all provisions of this act relating to the fire department and to the prevention and extinguishment of fires, and all the provisions of the general laws of the State relating thereto, are faithfully enforced, and it may at all times call upon and direct the police force to enforce the same.

ESTIMATE OF EXPENSE OF MAINTAINING POLICE AND FIRE DEPART-
MENTS.

SEC. 22. It shall be the duty of said board to prepare and submit to the common council for its ratification or amendment on or before the first day of April in each year, estimates of the whole expense of maintaining the police and fire departments of the city for the ensuing year from the first day of July, in accordance with the provisions of this title. Such estimates shall be separate for the two departments and shall specify in detail the objects of the expenditures, the sum desired for each, and any special reasons the board may have for desiring the same. The amount of money for each department which the common council shall determine by resolution to be necessary, shall be certified by the city clerk to the board of assessors and also to the city comptroller, with the other amounts determined to be raised by tax for city, highway, sewer and other purposes in accordance with the provisions of this act.

NO INDEBTEDNESS TO BE INCURRED THAT IS NOT PROVIDED FOR IN
SUCH ESTIMATE.

SEC. 23. Said board shall not incur any indebtedness nor enter into any contract requiring the payment of money, unless such indebtedness or such contract is provided for in the said detailed annual estimate required in the preceding section, unless specially authorized so to do by a majority of all the aldermen-elect of the common council.

COMPENSATION TO MEMBERS OF POLICE AND FIRE DEPARTMENTS
FOR INJURIES INCURRED WHILE IN DISCHARGE OF DUTIES.

Proviso.

SEC. 24. Said board shall have power to allow compensation to members of the police and fire departments for lost time occasioned by injuries incurred while in the discharge of duties: Provided, That such compensation shall not exceed two-thirds of the regular pay of such disabled member and shall not continue beyond sixty days. The common council may upon the recommendation of said board provide suitable compensation for any injury or injuries that any fireman

or member of the fire department may have received in his person or property resulting from the performance of his duty as a fireman or member of the fire department, such compensation to be paid from the general or contingent fund of the city.

PENSIONS TO DISABLED POLICEMEN AND FIREMEN.

SEC. 25. Any person who has been a member of the police or fire departments of the city of Grand Rapids so that his combined service in either or both of said departments shall have been for a period of twenty years subsequent to the first day of June, eighteen hundred seventy-five, or who has been employed by the board of police and fire commissioners of the city of Grand Rapids for a period of twenty years subsequent to the first day of June, eighteen hundred seventy-five, may be placed on the list of retired policemen and firemen on account of disability arising from injuries received or sickness occasioned by exposure while in the active discharge of his duties, by a vote of four-fifths of said commissioners: Provided, That it shall require a certificate of such disability signed by the city physician and two other physicians and surgeons selected by the common council of said city. Any person in the employment of said board of police and fire commissioners who may hereafter be totally disabled from any further duty while in the discharge of his duty as such policeman or such fireman may, in like manner, be placed on the list of retired policemen and firemen; and all such retired policemen and firemen shall receive annually thereafter a sum equal to one-half of the amount paid to full paid firemen and policemen filling a like position at the time of their retirement, to be paid in twelve monthly payments during the remainder of their natural lives, such moneys to be collected and paid as hereinafter stated: Provided, however, That no person so retired shall receive more than four hundred and fifty dollars per annum: And, provided, further, That said board of police and fire commissioners may place on the list of such persons any person who may have become totally disabled while in the employment of said board prior to the passage of this act.

Proviso,
certificate.

Total
disability.

Further
proviso.

Further
proviso.

PENSIONS FOR WIDOW AND CHILDREN OR PARENTS IN CASE EMPLOYEE IS KILLED WHILE IN DISCHARGE OF DUTY.

SEC. 26. In case any person in the employ of the board of police and fire commissioners of the city of Grand Rapids shall be killed while in the discharge of his duty, or receive injuries which shall result in his death within one year thereafter, the wife or children, or if there be no wife or children, the dependent parent or parents of such person shall by a vote of four-fifths of said board of police and fire commissioners, be paid a pension for a period of five years; the wife

shall receive the sum of one hundred dollars annually, in twelve monthly installments of eight and thirty-three one-hundredths dollars each and during the term of five years or until she remarries or dies, in which case all payment of moneys under this act to such widow shall cease, but shall be paid to such children as shall be under the age of sixteen years at the time of the remarriage or death of the widow, the money to be equally divided among such children; such child or children shall receive in equal payments according to the number of such children the same amount as would have been paid the widow; such payments to be made monthly as hereinafter provided and continue until such child or children shall have attained the age of sixteen years, unless they die before reaching that age, but not for a longer period than five years or if there shall be no widow or children, then the dependent parent or parents may receive the same benefits as are provided in this title for the widow. The moneys for the payment of such pensions shall be collected and paid in the manner hereinafter provided.

NAMES PLACED ON RETIRED LIST TO BE REPORTED TO COMPTROLLER.

SEC. 27. Whenever any person is placed on the retired list as provided in this title, it shall be the duty of the board of police and fire commissioners to promptly report its action to the comptroller of the city, giving the names of the persons retired, together with a full statement of the facts connected with such person or persons. It shall be the duty of the comptroller to register the name of such person as being a retired policeman or fireman of the police or fire department of the city of Grand Rapids, as the case may be, and as hereinafter provided audit the claims due them under this title.

LIST, HISTORY AND EVIDENCE OF PENSIONERS TO BE KEPT BY SECRETARY OF BOARD.

SEC. 28. There shall be kept in the office of the board of police and fire commissioners by the secretary of the board, a book to be known as the "List of Retired Policemen and Firemen," which shall give a full and complete history and record of the action of said board in retiring any and all persons under this title, their names, date of joining the department, date of retirement and the reason therefor of any and all persons retired. When the widow, or children, or parent or parents, or either of them, shall be entitled to a pension, as herein provided, such widow or children or parent or parents shall make application for a pension to the board of police and fire commissioners through the secretary of such board on a form to be provided by such board. Accompanying such application shall be the proof of the marriage of the deceased with the widow of the claimant to be

established by the marriage certificate or other competent evidence of the marriage relation. Proof of the birth of the children shall be shown by the certificate of the attending physician or other competent evidence, or in the case of the parent or parents satisfactory proof of the parentage shall be shown. All applications and proofs shall be retained in the custody of the board of police and fire commissioners, and whenever such applications for pensions are allowed by the board, due notice of such action, with the names of all pensioners, shall be given to the comptroller who shall cause the names of such persons to be registered in his office as pensioners of the police and fire departments of the city of Grand Rapids.

COMPTROLLER TO SUBMIT ESTIMATES OF MONEY NECESSARY TO
PAY SUCH PENSIONS—WHEN TRANSFERS MAY BE MADE.

SEC. 29. On or before the first day of April in each year the comptroller shall submit to the common council his estimate of the amount of money necessary to pay such retired policemen, firemen and pensioners entitled to moneys under this title for the following fiscal year, and the common council shall appropriate and cause to be levied and collected by taxation such sum of money as shall be required to make the payments provided for by this title. It is further provided that in the second and all subsequent estimates the comptroller shall include a sum equal to the amount of unpaid taxes charged back to the fund provided by this title at the end of the preceding fiscal year. All moneys collected under this title shall be placed to the credit of the "Police and Fire Department Retired and Pension Fund," and if at any time the cash balance shall not be sufficient to pay matured claims, the common council is authorized to transfer from the contingent fund of said city such further sum as may be necessary: Provided, That such amount so transferred shall not exceed the amount of the uncollected appropriation.

TIME AND MANNER OF PAYING PENSIONS.

SEC. 30. The board of police and fire commissioners at the last meeting in each month shall order the payment of moneys due all persons under this title, and a voucher shall be prepared for each person so entitled to moneys, the correctness of the same to be duly certified by the chairman of the finance committee of said board, and the fact of the allowance of the claim duly attested by its president. The secretary of said board shall transmit such vouchers to the comptroller of said city, and it shall thereupon be the duty of said comptroller to include the same in his next report to the common council in the same manner as other claims against said city are audited and reported by him to said

common council, the same when allowed to be paid from and charged to the said "Police and Fire Department Retired and Pension Fund."

SEC. 31. Before issuing any voucher for the payment of a pension it shall be the duty of the secretary of the board of police and fire commissioners to examine, under oath, all pensioners, to ascertain if they are at the time entitled to a pension as provided for in this title, and whenever the secretary shall learn any person has ceased to be entitled to a pension he shall record the fact on the roll of pensioners and notify the comptroller of such disability, and thereupon such person shall be dropped from the said rolls: Provided, That the said board of commissioners may by a vote of four-fifths of the members thereof, discontinue the pension and strike from the list the name of any retired policeman or fireman, or parent or parents, and after such action has been taken by said board, such pension shall cease to be audited by the comptroller.

Provided,
four-fifths
vote to
discontinue.

TITLE X.

BOARD OF HEALTH AND POOR COMMISSIONERS.

APPOINTMENT OF COMMISSIONERS AND TERM OF OFFICE.

SECTION 1. There shall be a board of health and poor commissioners appointed by the mayor, whose terms of office shall be, except as herein otherwise provided, five years each. Not more than three members shall be selected from any one political party. The members of the board of health and of the board of poor commissioners in office under the charter in force prior to the taking effect of this act, shall be members of this board, and if there are more than five members of such boards in office at the time this act goes into effect, they shall all constitute the board created by this act until the terms of certain members shall have expired so as to reduce the number to five. The first appointments made hereunder shall be of such a number and for such length of terms as will as near as practicable create a board whose members shall hold for one, two, three, four and five years, so that the term of one member will expire in each year, and on the first Monday of May. The appointments shall be so made that not more than three members of any one political party shall be members at any one time. One member at least of such board shall be a practicing physician and graduate of some legally authorized medical college of this State or of one of the United States, or of any other country.

POWERS AND DUTIES OF BOARD.

SEC. 2. The board of health and poor commissioners as thus constituted shall have all the authority that is conferred

upon boards of health by the general laws of this State, not repugnant to the provisions of this title, in addition to the special powers vested in said board by this title, and said board shall be vested with the entire charge and care of poor persons entitled to relief in the city of Grand Rapids, and shall have the same powers and authority as supervisors acting as directors of the poor in townships of the State where the poor are cared for under what is known as the township system, and be subject to the same duties and liabilities as directors of the poor in that regard: *Provided, That said board may adopt such plan and system in the administration of the poor laws in the city of Grand Rapids as it may deem adapted to secure the greatest efficiency in the care and relief of the poor.*

HEALTH OFFICER.

SEC. 3. It shall be the duty of said board to appoint a health officer who shall be a practicing physician and graduate of some authorized medical college. His term of office shall be two years. Such health officer may be removed from office for lack of good behavior or efficient service by a majority vote of all of the members of such board. He shall be the chief executive officer of the health department, and receive a salary not to exceed the sum of eighteen hundred dollars per annum to be fixed by said board, payable monthly out of the general fund of the city in the same manner as the salaries of other city officers are paid. He shall exercise the powers and perform the duties conferred upon him by the provisions of this title and the general laws of this State in regard to health officers not inconsistent with the provisions of this title, and he shall exercise the powers and perform the duties not inconsistent with the general laws of this State that shall from time to time be required of him by said board.

SUPERINTENDENT OF THE POOR, SALARY, DUTIES.

SEC. 4. It shall be the duty of said board to appoint a superintendent of the poor, whose term of office shall be for two years. He may be removed by a majority vote of said board for lack of good behavior or efficient service. Such superintendent of the poor shall be the chief executive officer of the poor department and receive a salary not to exceed the sum of one thousand five hundred dollars per year, to be fixed by said board, payable monthly out of the general fund of the city in the same manner as the salaries of other city officers are paid. He shall exercise the power and perform the duties conferred upon him by the provisions of this title and the general laws of this State in regard to the care of the poor, and devote his entire time to the duties of his office.

CITY PHYSICIAN.

SEC. 5. The said board of health and poor commissioners shall appoint a city physician. His term of office shall be two years. He may be removed by a majority vote of said board for lack of good behavior or efficient service. Such city physician shall be a practicing physician and a graduate of some legally authorized medical college of this State or one of the United States, or some other country, whose duty it shall be to prescribe for and treat professionally the poor of said city suffering from sickness, disease or injuries of any kind, and who shall perform such services as may be required by said board or the common council. Said city physician shall receive a salary of not to exceed one thousand eight hundred dollars per annum to be fixed by said board, payable monthly out of the general fund of said city in the same manner as the salaries of other city officers are payable; and the said board by and with the approval of the common council may provide assistance for the said city physician in the performance of his duties at an expense not to exceed the sum of one thousand dollars in any one year.

FOOD AND MILK INSPECTOR.

SEC. 6. The said board of health and poor commissioners shall upon the going into effect of this act appoint a milk, meat and food inspector for the city of Grand Rapids at a salary not to exceed the sum of twelve hundred dollars per annum. His term of office shall be two years. Such inspector may be removed from office for lack of good behavior and efficient service, by a majority vote of all of the members of said board. He shall perform such duties as may be required of him by State law, the ordinances of the city and the rules and regulations of said board. He shall annually in the month of April in each year make a report to the common council of the city of Grand Rapids of his work in the preceding year, and shall report to said board of health and poor commissioners as often as he may be required by the rules and regulations of said board. The board of health and poor commissioners may provide such assistant or assistants as may be required by said inspector in the performance of his duties, and provide such compensation for such assistants as may be approved by the common council of said city.

PLUMBING INSPECTOR.

SEC. 7. Said board of health and poor commissioners shall also upon the going into effect of this act appoint a plumbing inspector for the city of Grand Rapids at a salary not to exceed the sum of fifteen hundred dollars per annum to be
Term of office. fixed by the council. His term of office shall be two years. Such plumbing inspector may be removed from office for lack

of good behavior and efficient service by a majority vote of all of the members of said board. The said plumbing inspector shall perform such duties in the inspection of plumbing as may be required by the ordinances of the city of Grand Rapids or any of the laws of the State applicable thereto not inconsistent with the provisions of this title, or that may be required of him by the rules and regulations of said board of health and poor commissioners.

Sec. 8. Provided, That the health officer, the city physician, the milk and food inspector and plumbing inspector holding such positions under the charter of the city of Grand Rapids prior to the going into effect of this act, shall continue in such positions hereunder until the expiration of the terms for which they were respectively appointed; and no appointment shall be made by this board for either of said positions until the expiration of the terms of office of the said several officials, unless there shall be a vacancy prior to the expiration of their respective terms of office. Proviso.

PRESIDENT AND SECRETARY OF BOARD—INSPECTORS.

Sec. 9. The said board of health and poor commissioners shall in the month of May in each year elect one of their members president, whose duty it shall be to preside over all of the meetings of said board. Said board shall have power to appoint a suitable person as secretary of said board and prescribe his duties and fix his compensation at a sum not to exceed nine hundred dollars per annum, to be paid monthly out of the general fund of the city in the same manner as the salaries of the officers of said city are payable. He may at any time be discharged from his employment by a majority vote of all of the members of said board. He shall devote his entire time to the duties of his employment. It shall be the duty of the secretary to attend all meetings of said board of health and poor commissioners and keep a record of its proceedings, and such record, or a duly certified copy of the same, or any part thereof, shall be prima facie evidence of the facts therein contained in any court or before any officer. Said board shall also have power to employ inspectors at a compensation not to exceed two dollars per day, in connection with the sanitary and health work of said board, and report such employment and the terms thereof to the common council at its next regular session. And such assistance to the secretary and at such salary as the common council shall decide. When president elected.
Secretary.

OFFICERS OF BOARD AND ITS OFFICES.

Sec. 10. Said board shall have offices provided for it and furnished by the city, which shall also be the office of the health officer, of the city physician, of the milk and food inspector and secretary of said board, to be open on all secular days during business hours; and it shall be the duty

of said secretary to be in attendance in said office during such time. Said board shall be furnished with all necessary stationery, furniture and other material needful for the proper discharge of its duties.

**MEETINGS OF BOARD—NO COMPENSATION FOR MEMBERS OF BOARD
EXPENSES OF BOARD AND ITS OFFICERS—HOW PAID.**

SEC. 11. Said board shall meet at least once in each week at its office and as much oftener as may be necessary. A majority of said board shall constitute a quorum for the transaction of business. Members of said board shall serve without compensation. All necessary expenses incurred by said board and its health officer, city physician, milk and food inspector, and secretary, in the discharge of their respective duties shall be proper charges against the city and be audited and paid out of the appropriate funds of the city in the same manner as other charges against the city are audited and paid.

**CARE AND PREVENTION OF CONTAGIOUS DISEASES—HOSPITAL, ETC.
BOARD MAY ACT SUMMARILY IF DEEMED NECESSARY.**

SEC. 12. It shall be the duty of said board of health and poor commissioners to take effectual measures to prevent the entrance of any contagious, pestilential or infectious disease into the city; to stop, detain and examine for such purpose every person coming from any place whom they have good reason to believe is infected with any such disease; to establish, maintain and regulate a suitable hospital at some place within the city or not exceeding two miles beyond its corporate limits; to cause any person who may be infected with any contagious, pestilential or infectious disease within the limits of the city to be removed to the hospital, if in the opinion of the health officer and one other practicing physician in good standing, together with that of one of the members of this board, such removal is found necessary for the preservation of the public health, provided that the removal can be made with safety to the infected person. Said board of health and poor commissioners may remove or cause to be removed from the city or destroy any furniture, wearing apparel, goods, wares, merchandise or any article of property of any kind which it shall have good reason to suspect of being tainted or infected with any contagious, pestilential or infectious matter, or that shall be likely to pass into such a state as to generate or propagate disease, upon paying for the same as hereinafter provided; to abate all nuisances of every description which are or may become injurious to public health in any manner it may deem expedient, and from time to time perform all acts and make all regulations which it may deem necessary for the preservation of the public health and the suppression of disease in the city; to recom-

ment to the common council the passage of such by-laws, ordinances or regulations as it shall deem expedient for the preservation of the public health and the suppression of disease in the city: Provided, That said board of health and poor commissioners may act summarily and proceed independent of the common council of the city, where in its judgment the emergency requires it in the suppression of any public nuisance and the enforcement of its rules and regulations in the premises.

Proviso,
summary
action.

EXPENSE IN ABATEMENT OF NUISANCES, ETC.

SEC. 13. Where in the abatement of any public nuisance it becomes necessary to incur expense in connection therewith to be charged up against the property on which the nuisance exists, the board of health and poor commissioners may, if necessary, act in the first instance at once, and abate the same; and if it shall have acted independent of the common council, and shall immediately report the cost and expense thereof to the common council, to the end that the necessary steps may be taken to carry such expense into the proper roll to be enforced against the real estate upon which the nuisance is located. If summary action shall not be required in order to protect the public health the board of health and poor commissioners shall report to the common council and recommend such action to it as it deems advisable in order to abate the nuisance, and act thereafter in such case upon the advice and directions of the common council.

BOARD AND OFFICERS TO HAVE POLICE POWER—PENALTY.

SEC. 14. The members of the board of health and poor commissioners, the health officer, city physician, milk and food inspector and plumbing inspector shall have full police power in matters appertaining or belonging to their respective departments, and it shall be their duty to arrest all persons who are, in their sight, engaged in violating any of the by-laws, ordinances or regulations of the city in relation to the health of its citizens. Any violation of any of the said by-laws, ordinances or regulations as aforesaid shall be deemed a misdemeanor punishable by a fine or imprisonment, or both, in the discretion of the court, the fine not to exceed one hundred dollars and the imprisonment not to exceed ninety days in the jail of Kent county.

REPORTS OF BOARD.

SEC. 15. Said board of health and poor commissioners shall report annually to the state board of health in the same manner as local boards of health are now or shall hereafter be required by law to report to said state board of health. It shall make its report annually on or before the first day of

April in each year to the common council of the city of Grand Rapids, concerning all sanitary matters, and make such other and further reports to the common council as may be required by such body from time to time.

IN CASE OF DESTRUCTION OF PROPERTY—PAY FOR, ETC.

SEC. 16. Whenever said board of health and poor commissioners shall remove from the city or destroy any furniture, wearing apparel, goods, wares, merchandise or any article of property of any kind as provided for in this title, it shall immediately make an itemized list of the same and file such list in the office of said board, and the date of the receipt and filing of the same shall be endorsed on the back thereof by the secretary of said board. Such board shall immediately make a copy of such list and file the same in the office of the city clerk who shall endorse on the back thereof the date of the receipt and the filing of the same. Within sixty days after the filing of such copy in the office of the city clerk as aforesaid, the common council shall determine the value of the property so removed from the city, or so destroyed, and shall cause the value of the same as determined by it to be paid out of the general fund, to the person or persons entitled to such property.

OWNERS OF PUBLIC CONVEYANCES TO REPORT ALL PERSONS AFFLICTED WITH CONTAGIOUS DISEASES CARRIED BY THEM—
PENALTY.

SEC. 17. The owner, driver, conductor or other person in charge of any stage coach, railroad car, steamboat or other public conveyance which shall enter the city having on board any person known to him to be sick of any malignant fever or other contagious, pestilential or infectious disease, shall within two hours after the arrival of such person, report in writing the fact to the mayor or to the health officer of said board, with the name of such person and the house or place where he was put down in the city, and every neglect to comply with any of the foregoing provisions shall be deemed a misdemeanor and punishable in manner and form as provided in section fourteen of this title.

PENALTY FOR KNOWINGLY BRINGING ANY INFECTED PERSON OR PROPERTY INTO THE CITY.

SEC. 18. Any person who shall knowingly bring or cause to be brought into the city any person or any property of any kind tainted or infected with any malignant fever, contagious, pestilential, or infectious disease, shall be deemed guilty of a misdemeanor and punishable in manner and form as provided in section fourteen of this title.

KEEPERS OF HOTELS, ETC., AND PHYSICIANS, TO REPORT ALL CONTAGIOUS DISEASES.

SEC. 19. Every keeper of a hotel, lodging house, or boarding house in the city who shall have in his house at any time any person sick with any contagious, pestilential or infectious disease, shall report such fact and the name of such sick person in writing within three hours after such fact shall have come to his knowledge to the mayor or to the said board of health and poor commissioners or to the health officer thereof. Every physician in the city shall report in writing to the health officer at his office the name, residence and disease of every patient whom he shall attend professionally and who shall be sick of any contagious, pestilential or infectious disease within six hours after the nature of such disease shall have become apparent to the said attending physician. Any violation of any of the provisions of this section shall be deemed a misdemeanor and punishable in manner and form as provided for in section fourteen of this title. All written reports made to the health officer or to the board of health and poor commissioners shall be written and signed in ink.

CARE OF THE POOR, ETC.

SEC. 20. The said board of health and poor commissioners shall have power and it shall be its duty to employ such assistants as may be necessary to look after and provide for the indigent persons of the city of Grand Rapids efficiently; to fix their compensation and prescribe their duties in such matters and to discharge them at will. It shall have power to make all necessary rules and regulations for the government of the work of the board, the appointment of its officers and committees, and the guidance of its members and employees in the transaction of the business of the department in all its details. It shall provide for and cause to be made careful, Investigation. kindly, but thorough investigation into the actual circumstances and needs of all applicants for support or assistance, so as to discover and provide for all who are worthy and entitled to relief, and reject unworthy applications. It shall have the power when deemed wise to impose a labor test on persons asking for assistance from the city requiring them to perform such labor as may be provided in return and compensation for the assistance furnished such persons. It may purchase such supplies as in its judgment may be necessary for the proper performance of its duties hereunder. Until the city shall procure and maintain a hospital of its own said board shall be authorized on reasonable terms to place dependent poor persons who have been disabled by accident or who are sick in private hospitals for surgical operations or medical treatment when it shall deem it necessary.

ESTIMATES OF COST OF HEALTH AND POOR DEPARTMENTS FOR
ENSUING YEAR TO BE FILED—CLAIMS AND ACCOUNTS,
HOW PAID.

Sec. 21. It shall be the duty of said board of health and poor commissioners to prepare and submit to the common council of said city for ratification or amendment on or before the first Monday in April in each year an estimate of the probable cost and expense of maintaining the work of said board as a board of health and sanitation for the ensuing year. It shall also prepare and submit at the same time a separate estimate of the work of said board in connection with the poor department thereof and caring for the poor of said city for the ensuing year specifying the objects of the expenditures in detail, and the sum desired for each with the reasons for the same which the board may have. The amounts of money so estimated to be necessary, or such amount as the common council shall by resolution determine to be necessary, shall be certified by the city clerk of said city to the comptroller, with other sums determined to be raised by tax in accordance with the provisions of the charter of the city, and the sums when collected and paid into the city treasury shall be kept as separate funds to be known as the "Health Fund," and the "Poor Fund," to be expended only on the order of said board for the purposes authorized by the estimate and resolution of the common council as aforesaid. Said board shall not be authorized to incur any indebtedness nor enter into any contract not provided for or included in said detailed annual estimate for such fiscal year, unless specially authorized so to do by a majority vote of all of the members elect of the common council of said city. All accounts, claims and demands for or on account of all matters in charge of the board of health and poor commissioners shall be itemized and verified and when allowed by the board shall be certified to the comptroller of said city, who shall report the same to the common council for payment to be paid from the fund against which such items are properly chargeable, and the said board may also report without recommendation to the comptroller any claim or demand presented to it, the validity of which may be in doubt.

Accounts,
claims, etc., to
be itemized.

RECORD OF PERSONS IN COUNTY POOR HOUSE, ETC.

Sec. 22. The said board of health and poor commissioners shall keep a careful record of all persons admitted to the county poor house on the order of the board and of the time they are supported therein at city expense, and shall have the right, and it shall be its duty to examine the account presented by the superintendents of the poor to the board of supervisors of Kent county, for all persons maintained in the county home aforesaid at the expense of the city before the same is allowed and ordered spread upon the tax rolls of the city by said board of supervisors.

NO SETTLEMENT GIVEN ANY PERSON IN CITY WHILE SUPPORTED
BY THE COUNTY OR ANY TOWNSHIP.

SEC. 23. No length of actual residence by any person within the city, while supported wholly or partially at the expense of the county or any township shall operate to give such person a settlement in the city.

IN CASE OF PERSON ABANDONED OR NEGLECTED—PROPERTY OF
PERSON RESPONSIBLE MAY BE TAKEN.

SEC. 24. In case any person is abandoned, neglected or not maintained and likely to become chargeable upon the city for support the county superintendents of the poor shall have the same right to take possession of and proceed against the property of the husband or parent responsible therefor, that they have by the general laws of the State, when such person is liable to become chargeable upon the county or township.

TITLE XI.

BOARD OF PARK AND CEMETERY COMMISSIONERS.

SECTION 1. There shall be created and constituted in and for the city of Grand Rapids a board of park and cemetery commissioners composed of five members, who shall be freeholders and electors of the city; which board shall be known by the name of "The Board of Park and Cemetery Commissioners."

SEC. 2. The first board of commissioners under this act shall consist of the three present members of the board known as "The Cemetery Commissioners of the City of Grand Rapids" appointed under and by virtue of an act of the legislature of the State of Michigan, entitled "An act to revise the charter of the city of Grand Rapids," approved March twenty-five, eighteen hundred ninety-seven, and the several acts amendatory thereof. The said cemetery commissioners shall hold their offices under this act for the unexpired part of the term for which they were respectively appointed under the charter mentioned above, and upon the expiration of the term of any of said commissioners, a successor shall be appointed.

Cemetery
commission-
ers.

SEC. 3. The mayor of the city of Grand Rapids, except as provided in section two of this title, shall appoint the members of the board of park and cemetery commissioners. Two members of said board shall be appointed as soon as practicable after the taking effect of this act. The terms of office for the members of the first board shall be one, two, three, four and five years respectively; and the first appointments shall be made for such length that the term of one member of the board shall expire on the first Monday of May in each

Term of office.

year. The term of office of all other members shall be five years from the date of their appointment.

When office vacated. . .
 SEC. 4. If any one of said commissioners during the term for which he is appointed shall accept or hold any other city office, his office hereunder shall be and become vacant immediately upon such acceptance. And if any commissioner shall be publicly nominated by any political convention, or by any primary election, for any office elective by the people, and shall not decline the said nomination within ten days after he shall have been nominated, his office as such commissioner shall be and become vacant at the end of ten days from and after such nomination.

President, vice-president, secretary.
 SEC. 5. The member of such board whose term of office shall soonest expire shall be the president of the board, and on the first Tuesday of May in each year, the said commissioners shall meet for the purpose of organization. They shall appoint one of their number to be vice-president, and they shall appoint a secretary. The board shall forthwith certify such appointments and the name of the president of the board to the mayor and common council. The board shall hold regular meetings on the first Tuesday of every month, and special meetings at such time and place pursuant to such notice as the board shall provide by rule. No action of such board shall be binding unless authorized by a majority of the members present at any regular meeting, or at any special meeting called regularly, pursuant to the rules of the board.

To hold regular meetings.
 By-laws, rules, etc.
 SEC. 6. The board may make all needful by-laws, rules and regulations for the transaction of its business, and may appoint, employ, and at their pleasure, discharge a secretary, superintendents, landscape gardeners, surveyors, engineers, sextons, clerks, agents, watchmen, policemen and laborers, and prescribe and fix their compensation. All officers, appointees, employees or any of them, shall give such security for the faithful performance of their duties as may be required by the board or the common council.

Quorum.
 SEC. 7. Three members of such board shall constitute a quorum for the transaction of business. They shall keep a record of all their proceedings and transactions, and at the request of any commissioner, yeas and nays shall be taken on any vote at any meeting, which vote shall be recorded.

Salary.
 SEC. 8. The members of the board of park and cemetery commissioners, shall devote such time as shall be necessary to the proper discharge of their duties, and the salary of each of said commissioners shall be determined by the common council, and shall not exceed the sum of one hundred dollars per year, payable quarterly from the general fund.

OF THE POWERS AND DUTIES OF THE BOARD OF PARK AND CEMETERY COMMISSIONERS IN RESPECT TO PARKS, ETC.

SEC. 9. The board shall have the control and management, and shall have charge of the care and improvement of all the

parks and public grounds of said city, whether within or without said city, and of such parks or public grounds as may hereafter be acquired, laid out, purchased or dedicated for public use by said city. It shall also have general oversight and control of the planting and care of shade trees, shrubs and flowers on the margins and parkways of the public streets and may make such rules and regulations and give such directions in regard thereto as shall tend to improve and beautify the same. And they shall likewise have the control, management and charge of any boulevard which may, at any time hereafter, be acquired, laid out, established or located by said city. The authority hereby conferred shall not be construed as giving authority or control to said board over and to the improvement of any public street or alley in said city. All the powers and duties now vested in the common council, or in the board of public works of the city of Grand Rapids, relating to said parks, public grounds or boulevards, are hereby transferred as provided in this title.

General control of planting of shade trees, etc

SEC. 10. The said board may make all needful rules and regulations for the management, maintenance and care of the said parks, public grounds or boulevards, and for the regulation thereof, and the common council of said city may provide by ordinance for the observance of the same and enforcement of any other rules and regulations duly made by said board under any of the provisions of this title. And said common council may, by ordinance, further provide for the preservation and protection of the parks, public grounds and boulevards, and any of the property in charge of said board whether within or without the city, against any destruction or injury, and prevent the destruction or injury to, or the taking of any trees, shrubs, plants, flowers or other things set out, planted or used by said board in beautifying, improving or ornamenting said parks, public grounds or boulevards, and to prevent any disorder or disturbance on or about said parks, public grounds or boulevards, or any encroachment thereon, or interference with the quiet, peaceable use and enjoyment of the same for the purpose for which the same are established and maintained. Such ordinances may provide for the punishment for the breach or violation of any of their provisions by like penalty provided for violation of ordinances of said city.

Rules and regulations.

SEC. 11. The board of police and fire commissioners of the city of Grand Rapids, upon the request of the board of commissioners of parks and cemeteries, shall detail for service in any park, public ground or boulevard under the charge of said board, so many of the police force of the city as may be necessary to maintain order and protect the property thereon, and any policeman on duty in said parks, public grounds or boulevards may remove therefrom any person who may violate any of the rules and regulations of said board or any of the ordinances of said city adopted, as aforesaid, relating to said parks, public grounds or boulevards: Provided, That said board may in lieu of such detail by said commissioners

May detail police to maintain order, etc.

Provided.

of city police appoint as many persons as may be necessary to maintain order and protect the property on any of the grounds under the charge of the said board, and such persons so appointed shall have all the powers of regularly appointed policemen of said city in and upon said grounds, but not elsewhere.

To report to
common coun-
cil estimate of
salaries.

SEC. 12. The board shall annually before the first day of April prepare and submit to the common council an estimate of the amount of money that should be raised for the ensuing fiscal year for the purpose of acquiring additional ground and for improving and maintaining the public grounds under their charge, which estimate shall specify the sums desired for each of the several objects of expenditure, and at the same time make a report to the common council of the amount of revenue and income which it is estimated will be received during such fiscal year from any source. The board also at the same time shall report to the common council in detail an estimate of the salaries to be paid by the board for the ensuing year. Said report shall show the number of employees, their occupation and wages as near as can be estimated. This report also shall show separately such estimate for the parks, boulevards and public grounds.

Appropriation
for care, etc.,
of parks.

SEC. 13. The common council upon the first Monday of May in each year, or as soon thereafter as practicable, shall make an appropriation for the care, maintenance and improvement of the said parks of said city. And the common council of said city may cause to be placed upon the general tax roll, and raise by tax the same as other taxes, such sum as it may deem proper to be raised for each of the several objects of expenditure estimated as aforesaid, for the maintenance and improvement of said parks, public grounds and boulevards, or for the payment of any other expenses which said board is by this title authorized to incur. The money so raised as well as other money received from any source shall be paid into the city treasury and credited to the fund to be styled the park fund.

SEC. 14. The board shall have the power to expend and pay out of the moneys belonging to said fund for the purposes for which they have been raised upon bills of the board presented to the comptroller of said city, reported by said comptroller to the common council and allowed in the usual way by the common council. The allowance shall specify from what fund the same shall be paid. No debt or liability of any kind shall be created by said board during any one fiscal year in excess of the moneys then in said fund, or which may have been authorized to be raised by said common council for such year.

Gifts of
ground, money
or property.

SEC. 15. The said board may accept gifts of ground, money or property to the city of Grand Rapids for the maintenance, adornment or improvement of the same, upon such trusts and conditions as shall be approved by the board. All such gifts and the income thereof, if any, shall be subject

to the management and control of such board. All such gifts of money shall be paid to the city treasury and placed to the credit of the park fund: **Provido, bequests.** That if any bequest shall be made of money constituting a fund to be used for certain specific purposes requiring investment in securities for the purpose of obtaining the income thereof in order to carry out the trust, then such fund shall be turned over to the board of sinking fund commissioners of the city of Grand Rapids for investment, and the income thereof shall be paid to the said board for its use in carrying out the trust created by the donor.

SEC. 16. The board shall make an annual report to the common council of their doings and of the expenditures made by them, and showing the situation and condition of affairs under their control. This annual report shall be made in such a manner as to keep separate the report of the doings and expenditures of the board in respect to the parks, boulevards and public grounds, and in respect to the doings and expenditures made by them in and about the cemeteries. The common council may require a report from said board at any time and the records, books, papers and accounts of the board shall at all times be subject to the inspection of the mayor, comptroller or of any committee appointed by the common council for that purpose. **Annual report.**

SEC. 17. The grounds of which said board may have control shall be used and enjoyed solely for the purposes for which they were established, and to that end the said board may prohibit the construction, use or maintenance of any and all railway or tram cars, tracks, engines, or motors on any city park or boulevard. **May prohibit use etc., of railway or tram cars, etc.**

SEC. 18. If at any time it shall appear that the lines of any boulevard which may hereafter be acquired by the said city, have not been legally laid out or established, the board may make a certified map or plat showing the lines or locations of said boulevard, and after the same shall have been approved by the board of public works, cause the same to be recorded in the office of the register of deeds for said county. The said board may, by the affirmative vote of two-thirds of all the aldermen-elect, receive conveyances granting to the city of Grand Rapids lands for parks, public grounds or boulevards, whether within or without said city, and with the approval and by the affirmative vote of two-thirds of all the aldermen-elect, may agree with any person having an interest in said lands for the purchase and conveyance to the said city of the same. And by and with the affirmative vote of two-thirds of all the aldermen-elect, may acquire by purchase lands for the opening of any parks, cemetery or boulevard, or the enlargement or extension of any park, cemetery or boulevard which hereafter may be laid out, located or established within or without the city, and upon such acquisition being made, to cause the proper conveyance to be **When lines of boulevard have been illegally laid out.**

made and recorded and the purchase price thereof to be paid for such lands.

Council may provide for payment of lands purchased for parks, etc.
Proviso, bonds.

SEC. 19. The common council may provide for the payment of any lands purchased for parks, boulevards or cemeteries, or the enlargement and extension thereof, by issuing bonds therefor, and with a rate of interest not to exceed four per cent per annum, payable semi-annually: Provided, That no amount of bonds for such purpose shall be issued by the common council for any purchase of such lands in excess of ten thousand dollars, unless the matter has been submitted to the electors of the city in a regular manner, and approved by a majority of the electors voting thereon.

Penalty for violation.

SEC. 20. Any violation of the provisions of this title, or of any ordinance of the city in respect to the parks, boulevards or public grounds of the said city, whether within or without the limits thereof, shall be prosecuted and punished in the police court of Grand Rapids according to the practice of that court, by a fine not exceeding fifty dollars besides costs. And the said court may make further sentence that the offender be imprisoned in the county jail of Kent county until the payment of such fine, for a period of time not exceeding thirty days.

OF THE POWERS AND DUTIES OF THE BOARD OF PARK AND CEMETERY COMMISSIONERS IN RESPECT TO CEMETERIES.

SEC. 21. The said board shall have power by the affirmative vote of two-thirds of all the aldermen-elect to purchase, acquire and hold real estate for cemetery purposes, either within or without the city limits, and shall designate the proper names for such cemeteries. No condemnation rights shall accrue to the city of Grand Rapids from any act in this charter, which shall in any way affect lands within or outside the city of Grand Rapids, except for purposes declared by a two-thirds vote of the common council to be a public necessity.

SEC. 22. All real estate owned by the city of Grand Rapids previous to the passage of this act and dedicated to cemetery purposes, together with all properties, buildings, and improvements of every kind connected therewith, as well as property hereafter acquired for cemetery purposes, shall be under the exclusive management of the board.

Property to be turned over to park and cemetery commissioners.

SEC. 23. The said board of cemetery commissioners shall, upon the organization of the board of park and cemetery commissioners hereunder, at once turn over all property held by it to said board, and all special trust funds to the board of sinking fund commissioners. All legal contracts made by the said board of cemetery commissioners shall be equally binding upon the board of park and cemetery commissioners.

Surveys, maps.

SEC. 24. The said board shall have the exclusive care, custody and management of all cemetery properties. The said board shall cause suitable surveys and maps to be made

and perfected of all the grounds, roadways, walks, lots and reservations belonging to or included in such cemeteries; it shall regulate the sales and prices of lots and interments therein, and shall make such improvements and regulations for the use and protection of such cemeteries, and may adopt such rules and regulations in relation to the care of the lots therein as it may deem proper, and no interment in any lot or parts of lots shall be permitted while there is any unpaid account due for work thereon: Provided, Such account was incurred on the written order of any person competent to give the same. Proviso.

SEC. 25. The said board is hereby authorized to accept from any person or persons by the terms of any deed, will or otherwise, any gift, bequest or devise in trust for the use and purpose of keeping in good order and repair any burial lot, monuments, vaults, tombs, graves and lot improvements as well as for the planting of flowers on any such lots or graves of such grantors or devisors, in any part of the cemeteries under the charge and control of such board, and also to accept from any person or persons in the manner aforesaid any gift, devise or bequest in trust for the use and purpose of keeping in good order and repair all the burial lots, monuments, vaults, tombs, graves, and lot improvements, or any particular part or portion thereof, as well as for the planting of flowers on any such lots or graves, or any particular part or portion thereof, in any such cemeteries; but such authority shall not extend to any other uses or purposes whatever: Provided, That such gifts in trust for such purposes shall pass to and be held by the board of sinking fund commissioners of the city to be invested in safe security or securities, the income thereof to be devoted to the object or objects for which the gifts were made; the said funds to be kept by the said board of sinking fund commissioners separate and apart from all other funds under its control, and the income therefrom to be paid over to the board of park and cemetery commissioners, the whole thereof to be used according to the terms of the trust: Acceptance of gifts, bequests, etc. Proviso, where gifts held. Further proviso. That if the value of such trust property shall be the sum of five hundred dollars or more, before such trust shall be accepted or the discharge of the same be entered upon, application may be made to the superior court of Grand Rapids, in chancery, for an order confirming such trust, if such trust property shall be situated within the limits of the city, and such order obtained; or if such trust property shall be situated within the county of Kent but not within such corporate limits, such application shall be made to, and such order, if granted, shall be granted by the circuit court for the county of Kent, in chancery. Thereupon such trust shall be executed by said board of sinking fund commissioners or a majority thereof, under the direction of the court granting such order. All the court expenses incident to obtaining such order shall be paid out of such trust fund.

Fund to be provided for each of cemeteries.

SEC. 26. The board of park and cemetery commissioners shall cause a fund to be provided for each of the cemeteries under its charge, the same to be kept separate by the board of sinking fund commissioners, from the receipts derived from the cemetery to which such fund shall be credited, otherwise than those arising from taxation as herein provided, by appropriating annually not less than ten per cent of the gross receipts from such cemetery, as aforesaid, which shall constitute a repair fund for such cemetery, but such fund shall not exceed in any instance the sum of one hundred thousand dollars. The said board of sinking fund commissioners shall invest said moneys in valid security or securities worth not less than par value and the interest thereof shall be paid over to the board of park and cemetery commissioners to be applied solely to the repairing of roadways, water appliances, walks, hillsides, drains, monuments, abandoned lots and public grounds connected with such cemeteries and buildings within such cemetery bounds. Such repair fund shall never, under any pretext, be diverted from the above declared purposes, and shall be used as herein directed, except as otherwise provided; but no greater sum shall be used annually than the interest on such invested moneys, except as herein provided.

Repair fund, not to be diverted.

When gross receipts exceed certain sum.

SEC. 27. Whenever the gross receipts of the repair fund of any cemetery shall exceed the sum of one hundred thousand dollars, said board of sinking fund commissioners shall take such excess and put it into the fund of one of the other cemeteries or divide it between the funds of the other cemeteries in such proportion as it may deem best, but no fund shall exceed the above limit. The board of park and cemetery commissioners may, in its discretion direct the saving of the annual interest on any such fund, from year to year, if in its judgment such accumulated interest can be more beneficially laid out in repairs than the annual interest could be so laid out.

Moneys received from sale of cemetery lots, etc., to be paid to city treasurer.

SEC. 28. The said board shall pay to the city treasurer all moneys received from the sale of cemetery lots, and all other sources of income from cemeteries, including all penalties collected for violation of any ordinance or regulation adopted by the common council relating to cemeteries, less ten per cent of the gross receipts provided herein to be paid over to said board of sinking fund commissioners. And the city treasurer shall place the same in the proper fund. All cemetery expenses incurred by said board shall be passed upon by it, certified to by a majority thereof, and filed with the city comptroller, and shall take the same course as other claims against the city in accordance with the provisions of this act.

Deeds and conveyances, who to execute, Proviso.

SEC. 29. All deeds and conveyances of cemetery lots shall be executed by the mayor and city clerk, countersigned by the comptroller and recorded in the office of the city clerk: Provided, That no deed or conveyance shall be delivered to any person until the receipt for the purchase price thereof, signed

by the superintendent of the cemetery wherein said lot is situated, and countersigned by at least one member of said board, is shown to the officer executing or conveying the same: Provided, however, That such deed shall not in any way preclude or limit the right and authority of the board to approve and give final directions as to grading and planting lots, monuments to be erected, etc.

Further proviso.

SEC. 30. The board shall on the first Monday of August, after the passage of this act, and on the first Monday of every three months thereafter, render to the common council an itemized report of its receipts and disbursements in respect to said cemeteries, and also of all matters committed to its charge over said cemeteries including the status of each of the cemetery funds hereinbefore provided for, which report shall show all disbursements for cemeteries. And the board of sinking fund commissioners shall make a full report to the common council April first in each year of such funds in its hands, and whenever required by the common council.

When reports to be rendered.

SEC. 31. The police court of the city of Grand Rapids shall have jurisdiction for the enforcement of all the legal provisions of this title concerning the cemeteries, or of the general statutes of the State, within the boundaries of cemeteries, both within and without the city, and to that end the common council may adopt ordinances and regulations in relation to such enforcement, and may provide for the imposition of penalties, for imprisonment, or both, for any violation thereof.

Police power over cemeteries.

SEC. 32. The cemetery properties of the city of Grand Rapids, and all lots or plats therein which have been or shall hereafter be conveyed by said city as places of burial of the dead, shall forever be exempted from taxation and from special assessments for local improvements, and shall not be liable to be sold by execution or be applied to the payment of debts by any assignment under any insolvent law, or by any compulsory process of law. Said board shall assign and set apart suitable plats of ground for the burial of the poor, and shall creditably care for and beautify the same, and cause interments of the poor to be made therein. The cost of the care of such plats, and the interments made therein, shall be paid for out of the poor fund of the city. It shall provide a plat of ground and care for the same wherein single interment permits shall be sold at a purchase price not to exceed ten dollars.

Cemetery properties exempt from taxation, etc.

Interments of the poor.

SEC. 33. The said board, with the approval of the common council of the city of Grand Rapids, may cause to be erected and operated a crematory, and the expense of constructing such crematory, shall be fixed and determined by the common council of said city.

Crematory.

SEC. 34. The said board shall have full authority within the limits provided herein, and the objects for which money in its funds can be properly used, to use cemetery moneys in the management of the cemeteries belonging to the city of

Use of cemetery moneys.

Grand Rapids. And the said board shall have authority to adopt rules and regulations for the use of cemetery lots in any of the cemeteries of the city, and for the care thereof.

To report in detail, salaries and expenses, to common council.

Statement, what to show.

Bills to be presented to comptroller.

SEC. 35. The said board shall, on the first day of April in each year, and at other times when required by the common council report to the common council in detail an estimate of the amount of salaries and necessary expenses of said board for the ensuing year, for expenses connected with the city cemeteries. Such statement must show the number and class of employes, the salaries to be paid and the number to be employed, as near as can be estimated. The common council upon the first Monday of May in each year, or as soon thereafter as practicable, shall, if found to be necessary, make an appropriation to said board for the care, management and control of the cemeteries of said city, which moneys so appropriated shall be carried into the cemetery fund and placed in the hands and under the control of the city treasurer of said city. The money to be paid from said cemetery fund, whether coming from the city appropriations or other sources, shall be paid upon the presentation by said board of bills to the comptroller of said city, which bills shall be reported to the common council by said comptroller and allowed in the usual way, the allowance specifying from what fund the same are to be paid.

BUILDING LINE ADJACENT TO PARKS, CEMETERIES, ETC.

Proviso, when not applicable.

SEC. 36. Said board may establish a building line or lines determining the distance at which all structures to be erected upon any private premises fronting on a park, parkway or cemetery or abutting thereon under the jurisdiction of said board shall be erected upon such premises, and may in the name of the city prevent the erection and require the removal of all structures outside of said lines; and no permit shall be issued authorizing the erection of any structure inside the building line so established: Provided, That these requirements shall not be applicable to any building located within the line or lines that may be determined by said board hereunder at the time of the adoption of rules relative thereto by said board. Said board shall have such additional power relating to parks as shall be specified by ordinance adopted by the common council of said city.

TITLE XII.

BOARD OF SINKING FUND COMMISSIONERS.

MEMBERS OF BOARD.

SECTION 1. The mayor, comptroller, clerk and treasurer of the city of Grand Rapids and the chairman of the committee on ways and means of the common council of said city,

and their successors in office by virtue of their offices, and two electors who shall be citizens and free holders of the city of Grand Rapids to be elected by said several officials for two years each, one to be elected each year on May first, or as soon thereafter as practicable, and one of whom after the taking effect of this act shall first be elected for one year, shall constitute and be a board of sinking fund commissioners: Provided, That the members of said board of sinking fund commissioners, in office at the time of the taking effect of this act, shall continue to be members thereof until the expiration of their respective terms of office. Proviso.

BOARD TO PURCHASE OR PAY OUTSTANDING BONDED DEBT—INVESTMENT OF FUNDS, ETC.

SEC. 2. The board of sinking fund commissioners shall from time to time upon the best terms they can make, purchase or pay the outstanding bonded debt of said city, or such part thereof as they may be able to purchase or pay until the full amount thereof be fully purchased or paid. Whenever they cannot arrange for the purchasing or paying of said debt, or any part thereof, they shall temporarily and until they can so arrange, invest the moneys belonging to the sinking fund in such interest bearing securities as they may deem advisable; and all matured bonds and evidences of debt so purchased shall be delivered to the city treasurer and shall become and be the property of the city of Grand Rapids, held and controlled by said board of sinking fund commissioners and the interest thereon as it thereafter becomes due shall be credited to and belong to the sinking fund. The city treasurer shall endorse upon the back of all bonds so purchased by the sinking fund commissioners the following, viz.: "Registered bonds not transferable without the written consent of the mayor, comptroller and city clerk endorsed thereon." And such bonds shall only be transferred and sold under the direction of the board of sinking fund commissioners. In making temporary investment of the moneys of the sinking fund the said board shall give preference to bonds of the city of Grand Rapids, but may subsequently sell the same and apply the proceeds to the purchase of other securities, or to the payment of other bonds of the city whenever such action is deemed advisable. Bonds purchased, how endorsed.

BOARD TO HAVE CONTROL OF SINKING FUND, ETC.

SEC. 3. Said board of sinking fund commissioners shall have exclusive control of the moneys of the sinking fund and shall faithfully apply the same whenever possible, or it may appear to the city's interest, to the payment of the principal and interest of the bonded indebtedness of the city of Grand Rapids, and to no other purpose whatever, except as herein otherwise provided. The board may temporarily invest any

portion of the sinking fund in so-called street improvement bonds of the city of Grand Rapids, but no portion of the sinking fund shall be applied to the ultimate payment of any of such bonds.

MEETINGS OF BOARD—RECORD—CITY CLERK TO BE CLERK OF BOARD
AND KEEP SAID RECORD.

Quorum.

SEC. 4. Said board of sinking fund commissioners shall meet from time to time for the transaction of business and may adopt rules of proceeding for their meetings. A majority of the whole board shall be a quorum for the transaction of business, but they shall not purchase in or pay the outstanding debt of said city or invest any of the moneys belonging to the sinking fund as above provided, except under a resolution for such purpose passed and approved by a two-thirds vote of the whole board by yeas and nays to be entered of record at a regular meeting or a special meeting called for such purpose. The mayor of said city, or in case of his absence, some member to be designated by those present, shall preside at the meeting of said board. The city clerk shall be the clerk of the board of sinking fund commissioners and it shall be his duty to keep a true record of all meetings of said board, which records shall be kept on file in and be a part of the records of the office of the city clerk.

CITY TREASURER TO HAVE CUSTODY OF ALL MONEYS, ETC.—HOW
FUNDS MAY BE PAID OUT.

SEC. 5. The city treasurer shall have custody of all moneys, securities and evidences of debt belonging to or appertaining to the sinking fund, and he shall pay out the moneys of said fund only by order of the board of sinking fund commissioners on a two-thirds vote of the members thereof directed as aforesaid, and upon the warrant of the city comptroller, countersigned by the mayor and clerk. The official bond of the city treasurer shall cover any and all funds in his hands belonging to the sinking fund.

REPORTS TO COMMON COUNCIL—ESTIMATE FOR ENSUING YEAR.

SEC. 6. Said commissioners shall from time to time, but at least annually, and whenever requested by the common council of said city make report of their meetings, which report shall be made to the common council and be referred to and filed with the city comptroller and be recorded by him in some proper book to be provided by him for such purpose. They shall recommend to the common council on or before April one, the sum of money that in their judgment should be placed in the next annual budget and raised by direct taxation for the benefit of the sinking fund.

**TAX FOR BENEFIT SINKING FUND—PREMIUMS FROM SALE OF BONDS
TO BE CREDITED TO SINKING FUND—INTEREST TO BE PLACED
IN SINKING FUND.**

SEC. 7. The common council shall in each year levy and collect a tax for the benefit of the sinking fund of not less than one-fifth of a mill on a dollar or more than four-fifths of a mill on a dollar in any one year upon the real estate and personal property in said city, not exempt from taxation by the general laws of the State, and upon all of the personal property of residents of the city not exempt from taxation by such general laws: *Provided*, That at least one-fifth of a mill on a dollar upon such real estate and personal property shall be placed in the sinking fund annually, to be applied exclusively to the payment of the principal of said bonds, other than water and school bonds. Whenever any bonds of the city of Grand Rapids shall be sold for more than par value all of the premium or amount received at such sale more than the par or face value of the bonds sold, not including interest accrued upon such bonds that may be paid by the purchaser, shall be credited and belong to the sinking fund. All of the interest paid to the city by the city depository or depositories as provided for by this act shall belong to and be placed in the sinking fund of said city.

RELATIVE TO PAYMENT OF WATER BONDS AND INTEREST THEREON.

SEC. 8. From the gross income of the board of public works received from the sale of water by said board there shall be paid over to the board of sinking fund commissioners fifty per cent thereof, and the said board of sinking fund commissioners from such moneys received from the board of public works shall pay the current interest, as it matures, of the water bonds issued by said city, and the remainder of said moneys received from the sale of water shall be kept by said board of sinking fund commissioners separate from other funds for the purpose of creating a sinking fund to be applied to the payment of the principal of the water bonds of said city.

**RELATIVE TO PAYMENT OF SCHOOL BONDS—CARE AND INVESTMENT
OF PARK AND CEMETERY MONEYS.**

SEC. 9. There shall also be placed in the budget of the board of education of said city such amount as may be recommended by the board of education and approved by the common council, or as may be determined to be necessary by the common council for each year, to be paid over to said sinking fund commissioners to create a sinking fund to be applied to the payment of the principal of the bonded indebtedness of the board of education as the same matures. The said board of sinking fund commissioners shall receive and keep as a separate fund any moneys that may be paid to it from the proceeds of sales of cemetery lots by the board of

Separate fund to be kept of moneys received from sale of cemetery lots.

park and cemetery commissioners, and invest the same to the best advantage possible, carrying out the trust imposed in it by this act in connection with the said board of park and cemetery commissioners.

EXPENSES OF BOARD OF SINKING FUND COMMISSIONERS.

SEC. 10. The necessary expenses of the board of sinking fund commissioners incurred in performing any of the duties imposed upon it by this act shall be a proper charge against the city to be paid by the common council from the general fund.

TRANSFER OF FUNDS NOW CONTROLLED BY OTHER BOARDS TO BOARD OF SINKING FUND COMMISSIONERS, ETC.

SEC. 11. Any and all moneys properly belonging to or due the sinking fund of said city on the taking effect of this act in the hands or under the control of the present board of sinking fund commissioners shall continue under the management and control of said board for the objects and purposes for which said moneys have been appropriated, and any moneys under the control of any other board which by the provisions of this act are given to the board of sinking fund commissioners shall be turned over by the proper city officials to this board for the objects and purposes for which said moneys were raised.

BOARD TO ADOPT RULES AND ENFORCE COLLECTION OF BONDS AND SECURITIES.

SEC. 12. Said board of sinking fund commissioners are authorized to adopt rules not in conflict herewith for the government of their action, and shall be authorized for the purpose of enforcing the collection of any bonds or securities taken by them to bring suit in the name of the city of Grand Rapids in any court of competent jurisdiction.

TITLE XIII.

BOARD OF ESTIMATES.

MEMBERS OF BOARD.

SECTION 1. There shall be a board of estimates for the city of Grand Rapids, composed of the mayor, city clerk, city comptroller, the members of the committee on ways and means of the common council, and their successors in office, and also three electors, who shall be citizens and freeholders of the city of Grand Rapids, to be appointed annually by the mayor, and to hold their offices until one year from the first

Monday of May following their appointment, and until their successors are appointed and qualified.

VACANCIES—NO COMPENSATION FOR MEMBERS—PRESIDENT AND SECRETARY OF BOARD—RECORDS.

SEC. 2. Vacancies in the membership of appointed members of such board of estimates shall be filled by the mayor. The members of said board of estimates shall serve without compensation. The mayor shall be ex-officio president of said board. The city clerk shall be ex-officio secretary of said board and keep a record of its proceedings, and perform such other duties as may be prescribed by the board.

MEETINGS OF BOARD—RULES AND REGULATIONS.

SEC. 3. There shall be a meeting of the board of estimates annually at ten o'clock in the forenoon on the first Tuesday of April, the second Monday of May, and the fourth Monday of August, and at such other times as the board or the common council may direct, such meetings to be held at the office of the mayor in the city hall. The board of estimates is authorized to adopt such rules for the government of its deliberations as it may deem necessary.

ESTIMATES TO BE SUBMITTED TO BOARD BY SEVERAL MUNICIPAL BOARDS, HEADS OF DEPARTMENTS AND CLERKS OF COURTS OF THE CITY.

SEC. 4. On or before the first Tuesday in April of each year and before any moneys shall be raised or taxes levied and collected for the purposes of the several funds authorized by the provisions of this act and acts amendatory thereof, estimates of the amount of moneys required for such funds or purposes, to be raised by tax or otherwise, shall be submitted to the board of estimates by the several municipal boards, the heads of the several departments of the city government and the clerks of the several courts of said city: Proviso. Provided, That on or before the fourth Monday of August in each year the board of education shall submit to said board of estimates its estimate of the moneys necessary to be raised for said board for the coming year. All such estimates shall be in detail and shall designate the exact purpose for which said sums are required and shall also give an approximate estimate of the moneys which shall be received by such departments or boards that may be deducted from the amount otherwise required to be raised together with a detailed statement of the amount expended during the current municipal year. The board of estimates shall have the right to call upon the common council or upon any officer or board of said city for further reports or any information which it may require for the purpose of reaching a correct estimate of the

amount of money to be raised, or in reference to any matter pending before said board, and neglect or refusal to furnish the same after a demand thereof shall be sufficient cause for the removal from office, under Title II, section eleven.

BOARD TO CAREFULLY CONSIDER ESTIMATES AND APPROVE OR DISAPPROVE OF SAME, ETC.

SEC. 5. It shall be the duty of said board of estimates to carefully consider each and every estimate presented to it under the provisions of this act of moneys to be raised for the several purposes aforesaid, and it shall either approve or disapprove of the same. The said board shall have power, and it shall be its duty, after careful consideration of the various estimates referred to it, if it shall deem it advisable so to do, to disallow any item, items or parts of the same and decline to place the same in its estimate made of the respective funds to be raised by said city; but it shall not have power to create additional funds or to raise any of the several funds to an amount in excess of that recommended by the several heads of the city departments or boards of said city in various estimates presented to it as aforesaid.

BOARD TO PRESENT ESTIMATES AND ITS RECOMMENDATIONS THEREON TO COMMON COUNCIL—COMMON COUNCIL MAY AMEND, ETC.

Proviso. SEC. 6. It shall be the duty of said board, after the consideration of such estimates, to present the same to the common council of said city, together with its recommendation thereon, on or before the first Monday of May in each year, for its revision and ratification: Provided, That the estimates of the board of education presented to said board of estimates shall be presented to the common council on or before the second Monday of September in each year: And Further proviso. provided further, That the common council may make such change, either by adding to or deducting therefrom any item or items made by said board of estimates as it may, after careful examination, determine to be necessary in the interest of the city of Grand Rapids.

ESTIMATES AS APPROVED BY COMMON COUNCIL TO BE USED BY SEVERAL BOARDS AND OFFICERS OF THE CITY FOR PURPOSES DESIGNATED.

SEC. 7. The various estimates as finally approved by the common council and carried into its budget for the current year, either for the general objects and purposes of the city government or for school purposes, and the taxes raised thereon, shall be used by the several municipal boards and officers of the city for the several purposes designated in the budget, and in no other way, unless specially authorized so to do by subsequent action of the common council.

TITLE XIV.

BOARD OF EDUCATION.

CITY A SCHOOL DISTRICT.

SECTION 1. The city of Grand Rapids, as it may from time to time exist, shall constitute and be one school district. The board of education of said city shall be its school board. In all respects where not modified by this act, such district and such board shall be subject to and governed by the general school laws of this State from time to time in force.

THE BOARD—HOW CONSTITUTED AND CHOSEN.

SEC. 2. The board of education shall consist of nine members elected from the city at large. The nine constituting the first board hereunder shall be elected at the charter election in nineteen hundred six. The term of office shall commence on the first Monday of May in each year, and continue until a successor is elected and qualified. The first board, at its first meeting, shall by lot determine which three of its members shall serve one year, which three shall serve two years, and which three shall serve three years, and their terms shall be accordingly. At the time of each annual charter election thereafter, members of the board shall be chosen to fill the position of those whose terms have expired. Three years shall be the term of each member chosen after the first election.

NOMINATION AND ELECTION.

SEC. 3. Any qualified school elector of the city shall be eligible to be chosen as board member, and, if duly registered hereunder, to vote for board member at such election. Every person who is a qualified elector of the city of Grand Rapids, and has resided in the ward in which he or she offers to vote at least twenty days next preceding such election and every other person who is twenty-one years of age and who is either the parent or legal guardian of any child included in the school census of the year next preceding such election, or who has, or within one year preceding such election has had, property liable to assessment in said city, and who also has resided for such time in such ward, shall be a qualified school elector. Nominations shall be by petition signed by not less than one hundred duly qualified school electors of the city, which petition shall be filed with the city clerk at least ten days before election. No petition which does not have such number of such signatures, shall constitute a valid nomination. At the same time and in the same general manner provided with reference to the charter election the election commissioners shall prepare and have printed an official ballot, on

Qualifications
of electors.

Nominations,
how made.

Names, how
arranged.

which shall be placed the names of all who have been duly nominated for members of said board. In printing, the names shall first be arranged alphabetically and the first one hundred printed accordingly; then the name at the top shall be put at the bottom for printing the second one hundred, and a corresponding change shall be made with each succeeding one hundred printed. The election shall be by separate ballot in a separate box, but at the same time and place as the charter election; and shall be conducted by the same inspectors, canvassed, reported and considered and treated as a part of such charter election in all particulars not otherwise specified. Voting or attempting to vote for board members at such election by one not legally entitled to vote therefor shall constitute the same offense, and shall be prosecuted and punished in the same manner as casting or attempting to cast any illegal vote at a charter election.

Illegal voting.

REGISTRATION.

SEC. 4. No elector not registered as provided herein shall be entitled or permitted to vote at such election for board members (except that votes may be sworn in as is permitted by law at a general election). The same registration required or provided for a charter election shall be sufficient registration for this school election. In addition thereto the registration boards shall be provided with separate books for registration of school electors who are not general electors. Before registering any name therein the registration board shall be reasonably satisfied that the applicant for registration is a duly qualified school elector. Such registration shall in all respects not herein specified, be conducted in the same manner as, and as a part of, the registration required or provided for with reference to charter elections.

How
conducted.

PRESENT BOARD TO CONTINUE.

SEC. 5. This title shall not take effect until the commencement of the term of office of the first board chosen hereunder, excepting as to provisions regarding the nomination, registration and election pertaining to the choice of such first board hereunder, which provision shall become operative so as to apply to and govern such registration, nomination and election. In the meantime, and until the first Monday in May, nineteen hundred six, the laws existing at the time of the passage of this act shall continue in full force, except that there shall be no school election in September, nineteen hundred five, and the term of office of all school trustees in said city now holding office shall terminate on the said first Monday in May, nineteen hundred six, their election for a longer period notwithstanding, and the terms of office of those trustees expiring in September, nineteen hundred five, shall continue until the first Monday of May, nineteen hundred

six, without reelection, the vacancies caused by such expirations being thus temporarily filled.

ORGANIZATION OF BOARD.

Sec. 6. The city clerk within the time specified for serving notices upon officials elected at a municipal election shall serve notice upon each member of said board elected at said election. On the first Monday of May in each year the board shall organize for the ensuing year by electing its officers herein provided.

VACANCIES.

Sec. 7. If any person duly elected fails to take the oath of office within the time limited, or if any member during his term shall die, or become mentally incompetent or resign or lose residence in the district from which he was elected, a vacancy shall thereby exist, which vacancy shall be filled by election from such district by a majority of the remaining members of the board, for the remainder of the current year, and at the next election the vacancy shall be filled by nomination for the remainder of the term of the former member. If, upon specific written charges filed with the secretary of the board, and after proper opportunity to be heard, any member of the board is by a vote of two-thirds of the members thereof found guilty of wilful acts of misfeasance or non-feasance in his office, he may be removed from his position by such two-thirds vote, whereupon a vacancy shall exist and be filled as above provided.

POWERS—A BODY CORPORATE.

Sec. 8. The said board of education shall be a body corporate under the name and style "The Board of Education of the City of Grand Rapids," and under that name may sue and be sued, and may take, hold, sell and convey real and personal property, including property received from gift, devise or bequest, all as the interest of said schools and the property and welfare of said school district may require. Said board of education chosen pursuant to this act shall be and is the same body corporate now existing under the same name, and shall be vested with the title to all property, real and personal now or hereafter vested in the board of education; and the indebtedness and obligations of the present board shall become and be the indebtedness of the board chosen under this act. It shall have power to purchase all property, erect and maintain all buildings and purchase all personal property, to employ and pay all persons and do all other things in its judgment necessary for the proper establishment, maintenance, management and carrying on of the public schools of the city or other property of the district, and to adopt by-laws, rules and regulations for its own gov-

ernment and for the control and management of all schools and property. It shall not have power to raise money, borrow money or incur indebtedness, except in the manner herein specified.

OFFICERS AND THEIR DUTIES.

SEC. 9. The officers of the board shall be a president, vice-president, secretary and treasurer. The city treasurer shall be ex-officio treasurer of the board. The president and vice-president shall be elected each year for terms of one year, from among the members of the board, by a majority vote thereof. The secretary shall not be a member of the board. The president, vice-president and secretary, respectively, shall perform such duties as may be prescribed in the by-laws, rules and regulations of the board. They shall also be required to give bond for the faithful performance of their duties in such manner and form as may be prescribed by such rules and by-laws. The treasurer shall have the keeping of all moneys belonging to the school district, and shall pay out the funds of the board only upon orders in the manner in this act specified. The city attorney shall be the legal adviser of said board and represent it in all litigation. The board may require from the city treasurer a separate bond, to properly protect the separate funds of the board. Interest upon such separate funds shall be the property of the board.

MEETINGS.

SEC. 10. Regular meetings of the board shall be held at least once in each month at such time and place as may be fixed by the by-laws of the board. Special meetings may be called and held in such manner and for such purposes as may be specified in such by-laws.

THE FISCAL YEAR.

SEC. 11. The fiscal and accounting year shall commence with the first day of July in each year.

REVENUES—SCHOOL TAXES—TAX LIMIT.

SEC. 12. The board shall annually, on the third Monday in August of each year, make an estimate of the amount of taxes deemed necessary for the ensuing year for all purposes of expenditures within the power of said board, which estimates shall specify the amounts required for the different objects, and shall transmit such estimate to the common council and board of estimates on or before the fourth Monday in August for ratification, amendment or rejection. If for any reason the common council shall fail to pass on said estimate and finally adopt the same after such amendment,

increase or decrease, as it determines before the first Monday in October in each year, then the estimate made by such board shall stand as approved and be considered as approved and ratified by said council and reported accordingly, and the amount therein named levied and collected accordingly. On or before the first Monday in October in each year, the secretary of the board shall make to the clerk of Kent county a written report of the amount of taxes so deemed necessary and approved or standing approved by said council; and the said county clerk shall thereupon apportion the said amount among the several wards of the city, and shall notify the proper assessing officers of said city of said apportionment, and the said amount so apportioned shall be levied, assessed, collected or returned the same as other city taxes. No Limit of tax. greater sum than five mills on the dollar shall be levied for general school purposes in any one year; and for purchasing school lots, erecting school houses, and paying school bonds issued for such purposes, no greater sum than five mills on the dollar, in addition to the tax for general school purposes, shall be levied in any one year.

BORROWING MONEY.

SEC. 13. The board may from time to time, on such terms as it may deem proper, borrow for temporary school purposes not to exceed thirty thousand dollars, total outstanding unpaid at any one time, and may give the note or bonds of the board therefor, which shall be paid from the first school moneys collected thereafter. For the purpose of purchasing May issue bonds. sites, or erecting buildings, or both, the board may borrow such sums of money as it may deem necessary, and may issue and sell its bonds therefor, upon such rate of interest and for such time and in such amounts as it may think proper, and in such form and with bonds and coupons signed and countersigned in such manner as it may by resolution direct; but the action of the board authorizing such loan shall first be submitted to the common council for approval, and no such issue of bonds shall be valid unless the proposal to issue the same shall have been approved by a majority vote of the members elect of the common council. No bonds shall be sold for less than par nor bear more than five per cent interest nor run for more than twenty years.

CLAIMS AND DEMANDS.

SEC. 14. All demands and claims against the board shall be allowed by the board under such rules and regulations as it may establish and shall thereupon be certified to the city comptroller for payment. Payment of the same shall be made by the city treasurer out of the funds of the board in the same manner, as near as may be, that claims against the city are paid out of the general city treasury. The city

comptroller is hereby made ex-officio auditor of the board of education, with such powers and duties in that respect as may be conferred upon him by the city charter.

SUPERINTENDENT—BUSINESS MANAGER—THEIR POWERS.

SEC. 15. The board shall have power to elect for such term, not exceeding three years, as it may determine, a superintendent of schools and a business manager, and to fix the salaries thereof and to remove either of them notwithstanding that the term of office has not expired upon the concurring vote of two-thirds of all of the members of said board. It may delegate to such superintendent and business manager the executive management and control of the educational department and the management and control of purchases, building contracts, and all other business matters, in so far and to such extent as it may from time to time determine.

PUBLICATION.

SEC. 16. All proceedings and official action of the board shall be printed and published immediately after such meeting in such manner as the board shall decide. It shall cause to be made at the end of each fiscal year and to be published in connection with other city reports, a complete report of its receipts, expenditures and of general school statistics.

MISCELLANEOUS.

SEC. 17. The board shall provide for taking the school census required by law. It shall receive the fines devoted by law to the maintenance of district or school libraries, and shall devote the same to that purpose by paying the same to the library commission of the city of Grand Rapids. No member of the board, shall receive any compensation whatever for services as member or for any services rendered to the board. Every action of the board involving the incurring of pecuniary liability or expenditure of money, shall be by yeas and nays entered at large upon its record.

VETO.

SEC. 18. Within twenty-four hours after its passage, the president or acting president of the board may veto any action thereof by filing in the office of the secretary of the board his reasons therefor, in writing, and the same thereupon shall not go into effect or have any legal operation until after it may be repassed at a subsequent meeting of the board by a vote of two-thirds of all the members thereof. No action of the board shall go into operation until the expiration of twenty-four hours after its passage unless the president or acting president shall sooner file in writing with the secretary his approval thereof.

REPEAL.

SEC. 19. All acts and parts of acts in any wise contravening the provisions of this title and particularly "An act relative to free schools in the city of Grand Rapids, approved March fifteen, eighteen hundred seventy-one" and all acts amendatory thereof, shall be and are from and after the time this title goes into effect according to its terms, repealed.

TITLE XV.**BOARD OF LIBRARY COMMISSIONERS.****ELECTION.**

SECTION 1. At the annual municipal election next succeeding the passage of this act there shall be elected in the city of Grand Rapids one library commissioner to hold office for five years and until his successor is elected and qualified. At each annual election one library commissioner shall be elected to hold office for five years and until his successor is elected and qualified. Notice of the election of such commissioners shall be given in the same manner as that of other city officials.

MEMBERS OF—CONTROL OF LIBRARIES—ART GALLERY, ETC.

SEC. 2. The five library commissioners so elected with the superintendent of schools, and their successors, shall constitute the board of library commissioners of the city of Grand Rapids, the superintendent of schools having the same right to vote on any matter coming before the board as the other members thereof. Such board shall have the entire management and control of the so-called public library of said city, being the district library, and of all property and assets belonging thereto real or personal, the title to which is now vested in the board of education, and which is devoted to or intended for library purposes, also of all property now or hereafter belonging to the city and intended for or devoted to an art gallery or similar purposes.

CONTROL OF MUSEUM AND PROPERTY OF KENT SCIENTIFIC INSTITUTE.

SEC. 3. The said board of library commissioners shall have the management, control and custody of the museum now under the control and direction of the board of education, including that part of the same that was transferred to the board of education by the Kent Scientific Institute and subject to the reservation to the said Kent Scientific Institute in the transfer by it made to the board of education

of said city, and of the property and assets belonging thereto real or personal intended for or used in connection with the museum of said city, and of all property now or hereafter belonging to or used in connection with said museum.

ELECTION, ETC.

SEC. 4. The election of members of said board shall be upon a separate ballot and in a separate box from all other offices or questions voted upon. All persons eligible to vote for school officers shall be eligible to vote for library commissioners. The result of the vote shall be canvassed and declared in the same manner as in the case of city officers. Except as herein otherwise provided the election of library commissioners shall be governed by the same rules as the election of members of the board of education.

WHO ELIGIBLE TO ELECTION AS LIBRARY COMMISSIONER.

SEC. 5. Any qualified voter at school elections in the city shall be eligible to election as library commissioner. Nominations shall be made in the same manner as nominations for members of the board of education, and nominating petitions shall be signed by not less than one hundred qualified school electors.

VACANCIES.

SEC. 6. In case of the death, resignation or removal from the city of any commissioner his position shall become vacant and the vacancy shall be filled by election by the remainder of the board, but for a term continuing only until the next charter election, at which time his successor for the unexpired term shall be nominated and elected in the manner herein provided.

ORGANIZATION OF BOARD—CITY TREASURER CUSTODIAN OF FUNDS —ALLOWANCE OF BILLS.

SEC. 7. No member of such board shall receive any compensation whatever for his services in connection therewith. Annually on the first Monday of May the board shall organize by electing one of its members president and one of its members secretary. The city treasurer of the city of Grand Rapids shall hold the funds of said library commission and all bills incurred by it shall be allowed by said board and certified by it to the city comptroller to be allowed by the common council and paid from the library fund.

EMPLOYMENT OF LIBRARIAN, ETC.—SALARIES.

SEC. 8. The board may employ in its management of said library, such librarian, assistants, janitors and other employees or workmen as it may determine, and fix their

salaries. It may purchase such books, charts, maps, and apparatus for the use of the library as it may find necessary and may do every act and thing necessary to maintain the library building and grounds and increase the usefulness of such library. For this purpose it may establish and from time to time alter, amend or repeal such rules and regulations in any manner not inconsistent with this act. Said board may also employ a superintendent or director, assistants, janitors and such other employees for the purpose of managing and caring for the said museum, and may fix their salaries.

FINES AND PENALTIES TO GO TO LIBRARY.

SEC. 9. All fines and penalties which by law are devoted to library purposes and which now by law are paid to the board of education for such purposes shall instead thereof be paid to the board created by this act, unless the board of education shall direct such fines and penalties to be devoted to other lawful purposes.

GIFTS TO BOARD FOR LIBRARY, ART GALLERY OR MUSEUM PURPOSES.

SEC. 10. Said board of library commissioners is hereby authorized to receive gifts, devises or bequests either of real or personal estate as trustees for the board of education, either for the library or any matters connected therewith, the art gallery, or for the museum, and the said board is hereby authorized to carry out in connection with any such gifts any trusts or trust conditions that may be attached thereto in the same manner as any other trustee. All such gifts, devises and bequests for the benefit of either said library, art gallery, or museum, shall be subject to the same control and management by the said board of library commissioners as the original library, art gallery, or museum committed to its care.

FUNDS FOR SUPPORT OF LIBRARY, ETC.

SEC. 11. There shall be placed in the budget annually for the support of the library and the running expenses thereof two-fifths of a mill on a dollar of the assessed value of the property of the city of Grand Rapids, and such further sum as may be determined by the common council in making up its budget from year to year. There shall also be placed in the budget for the purpose of creating a separate fund such amount as may be found necessary by the common council for the care and management of the said museum. The common council may provide from time to time temporary funds for the purposes of such board in such manner and in such amount as it determines to be necessary.

REPORTS TO COMMON COUNCIL.

Sec. 12. Annually on the first day of April the board shall present to the common council its report containing a full financial statement of all moneys received and the details of the expenditures of the same, both for the management and control of the library, art gallery, and of the museum, and such facts regarding the library, art gallery, and museum, and recommendations concerning the same as the said board shall deem proper.

ENFORCEMENT OF RIGHTS, ETC.

Sec. 13. Whenever necessary for the enforcement of the powers, rights and privileges conferred upon said board it may in the name of the city of Grand Rapids institute in any court of competent jurisdiction an action at law or equity to enforce or protect the property placed in its charge or the powers and privileges hereby given to such board.

TITLE XVI.

MISCELLANEOUS PROVISIONS.

POWER OF MAYOR AND MEMBERS OF COUNCIL TO ADMINISTER OATHS.

SECTION 1. The mayor or chairman of any general or special committee of the common council shall have power to administer an oath or affirmation to a person testifying in respect to any matter pending before the common council or before any such committee. He shall also have power to administer the requisite oath or affirmation to a person subscribing an affidavit in respect to any such matter.

PERJURY.

Sec. 2. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act who shall under such oath or affirmation in any statement or affidavit or otherwise wilfully swear falsely as to any material fact or matter, shall be guilty of perjury and liable to the punishment thereof.

CORPORATION FUNDS—CLASSIFICATION OF—TRANSFER OF, ETC.

Sec. 3. The revenues and moneys of the corporation shall be divided into the following funds to wit:

First. General fund, which shall be devoted to the payment of expenses of the city, for which no provision is herein otherwise made, with the right to transfer any part thereof to any other fund.

Second. Contingent fund, to defray the contingent expenses of said city, with the right to transfer the same or any part thereof to the general fund, or for such other purposes as the common council may determine.

Third. Sinking funds, to pay the funded debts and interest thereon of said city and the board of education.

Fourth. Fire department fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to operate and maintain the fire department of said city.

Fifth. The poor fund, to defray the expenses of providing for and taking care of the poor of said city.

Sixth. Highway funds, to defray the expense of cleaning and sprinkling the streets, highways, lanes, alleys, pavements and cross-walks of said city and for repairing the graveled or unimproved streets.

Seventh. Sewer fund, to defray the expense of cleaning and keeping in repair the sewers of said city.

Eighth. The public building fund for the purchasing of any real estate, for the erection thereon of any public buildings, and to defray the expenses of erecting, repairing and preserving such public buildings as the common council is authorized to erect and maintain.

Ninth. Superior court fund to maintain the superior court.

Tenth. Such other funds as the common council may constitute for special purposes not inconsistent with nor to be taken from any of the funds above constituted or raised, unless from the general or contingent fund, and the said common council is prohibited from transferring any money whatever from any of the special funds above constituted or raised, except for the purposes as in this charter stated: Provided, That by a five-sixths vote of all the members of the common council a transfer may be made temporarily from one special fund to another or to the general fund.

UNUSED SUM OF MONEY LEFT IN FUNDS TO BE TRANSFERRED TO
GENERAL FUND.

SEC. 4. Whenever there shall be found in the treasury of said city any sum of money not otherwise appropriated, or whenever any fund of said city shall contain a balance after all legal demands against it have been satisfied, the same shall be transferred to the general fund by the common council.

CLAIMS FOR DAMAGES.

SEC. 5. If any claim for unliquidated damages is made against said city for injuries to persons or property by reason of any defects in the sidewalks, streets, highways, cross-walks, bridges, alleys, courts, public grounds or public places in said city, or by reason of any negligence on the part of said

city, or said city officials, or its employes, in any public work in which it or they are engaged, or any claim is made against said city in an action of tort, the claimant in such cases shall present the same to the common council within sixty days after the injury or wrong occurred, which claim shall state the place where such injury or wrong was received, the names of claimant's witnesses concerning the same, then known to claimant, a description of the injury sustained, and a succinct statement of the facts constituting such claimant's demands against said city, and any further statement that may be required by said common council, and if said claim arises from injury received by reason of any defect in the sidewalks, streets, highways, bridges, alleys, courts, public grounds or public places in said city, or public works in which the said city or its officials are engaged, the claimant who alleges injury thereon shall give notice to the city by a written statement filed with the city clerk within ten days of the time of said injury, specifying the location upon the street, alley, lane, highway, sidewalk, cross-walk, bridge, court, public place or public ground, or public works where the same was received, and the general character of the alleged defect claimed to have existed resulting in the injury of claimant; said preliminary notice not to take the place of the specific notice herein required to be filed within sixty days. If required by the common council or a committee thereof, said claimant shall produce his witnesses before said common council or committee and they may be sworn and examined as to the nature of the claims, the amount thereof and the particular basis upon which they are made. The council or committee shall have power to subpoena witnesses for such hearing. Any such claim shall be void unless such claimant shall bring an action against said city for such a demand within a period of one year from and after said common council has had a reasonable time, not to exceed sixty days, to investigate and pass upon such claim.

Power to
subpoena
witnesses.

CLAIMS FOR DAMAGES—BAR TO ACTION, ETC.

SEC. 6. It shall be a sufficient bar to any action or proceeding brought in any court for the recovery of any such claim against the city that such claim has never been presented to the common council, or notice thereof given either as to the place of injury or of the specific basis of the claim as provided for in the preceding section, within the time therein limited, or that the action or proceeding was brought before said common council, had such reasonable time to investigate and pass upon such claim as hereinbefore provided, or that such claimant did not produce his witnesses for examination upon claim made, as required by the preceding section, or that the action or proceeding was not brought within the period of one year after the time elapsed for the common council to investigate and pass upon such claim as hereinbefore provided.

EXPENSES OF APPREHENDING CRIMINALS, ETC., TO BE PAID BY
KENT COUNTY.

SEC. 7. The expenses of apprehending, examining and committing offenders against laws of this State in said city and their confinement, shall be audited and paid by the supervisors of the county of Kent in the same manner as if such expenses had been incurred in any town of the said county.

SUITS TO RECOVER FINES, ETC.,

SEC. 8. All suits which shall be commenced to recover any fine, penalty or forfeiture for the violation of any by-law, ordinance or regulation of the common council, or of any of the provisions of this act, shall be brought in the name of the city of Grand Rapids in any court having jurisdiction thereof.

NO PERSON DISQUALIFIED AS JUDGE, JUROR OR WITNESS BECAUSE
OF RESIDENCE IN CITY.

SEC. 9. No person who is an inhabitant of the city, and having the other requisite qualifications therefor, and not specially exempt therefrom, shall be disqualified because of such inhabitancy from acting as a judge, justice or a juror in the trial or other proceedings in any suit brought to recover any such fine, penalty or forfeiture, nor from serving any process or summoning a jury in such suit, nor from acting in any capacity in any proceeding before or during the trial thereof, or in any proceeding after judgment therein taken to carry such judgment into effect; nor shall any person because of such inhabitancy be disqualified from being a witness on the trial of any issue or upon the taking of any inquisition or assessment, or any investigation of facts to which issue, inquest or investigation in any suit as aforesaid, the city or any city or ward officer was a party, or in which the city or such officer is interested.

PLEADINGS IN CERTAIN CASES.

SEC. 10. All of the provisions of the preceding sections in relation to the disqualification of any person because of his residence in the city, shall apply to all suits of whatever nature, civil or criminal brought in the name of the city of Grand Rapids, or on its account or in its behalf.

PLEADINGS IN CERTAIN CASES.

SEC. 11. In suits commenced before any justice of the peace or in any other court for the recovery of any fine, penalty or forfeiture for violation of any provisions of the statutes of this State or any provisions of this act, or of any

by-law, ordinance or regulation of the common council, it shall not be necessary to file any declaration therein or to recite, or to name any plea in any writ or process, but the plea of the defendant shall be the same as in criminal cases and shall be to the complaint filed in such suit. If upon the trial of any such suit the defendant is acquitted, the judgment entered shall show that fact, and if convicted it shall show the judgment for the fine, penalty or forfeiture for which suit was brought and costs therein and the term of imprisonment, if any, in case of the non-payment thereof.

FINES, COSTS AND IMPRISONMENT.

SEC. 12. Every execution for any fine, penalty or forfeiture recovered for the violation of any of the provisions of the statutes of this State, or of this act, or of any by-law, ordinance or regulation of the common council, may be issued immediately on the rendition of the judgment and shall command the amount thereof to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the Kent county jail for such time as shall be fixed therein by the court from which such execution was issued. It shall be lawful for the officer receiving such execution to take the body of such defendant therein, unless such defendant shall point out or deliver to such officer sufficient goods and chattels belonging to such defendant, liable to execution and free from all encumbrances, to satisfy the same. The keeper of said Kent county jail shall receive the said defendant and keep him safely therein during the time mentioned in said writ unless he shall sooner pay the amount specified in such execution and the cost of his detention.

PAYMENT OF FINES AND COSTS BY CITY.

SEC. 13. No execution shall issue against the city for any judgment or costs recovered against it, but the common council shall allow and pay the amount of any final judgment or costs which may be recovered against the city in the same manner as accounts are audited and paid by the city.

PROCESS—HOW SERVED.

SEC. 14. All process issued against said city shall run against the city in the corporate name thereof, and such process shall be served by leaving a true copy of the same with the mayor or clerk of said city before the day of appearance mentioned therein.

DOCUMENTS TO BE USED AS EVIDENCE.

SEC. 15. All papers, books or other records of any matter required by the general statutes of this State, or any of the provisions of this act, or by the provisions of any by-law,

ordinance, resolution or regulation of the common council to be kept in any of the several departments of the municipal government of the city, shall be deemed public records of such departments, and the same or copies duly certified by the custodian thereof, shall be prima facie evidence of their contents in all suits at law or in equity or in any other proceedings where evidence of their contents are required.

ALL FEES, COSTS, ETC., TO BELONG TO CITY.

SEC. 16. All fees, costs, charges, or income of whatever nature collected by any officer, agent or employee of the city, by virtue of his office or employment, shall be deemed to belong to the city, and shall be paid into the city treasury without delay and placed in the general fund thereof, if not otherwise expressly provided.

NOT NECESSARY FOR CITY TO FILE BOND.

SEC. 17. Whenever the city shall take any proceedings wherein by the statutes of the State a bond is required to be given, or shall be a party to any suit or proceeding in any court or an appellant from any judgment or final order of a court wherein by the statutes of the State, or by the rules and practice of the court where such suit or proceeding is to be commenced or is pending, or is sought to be taken, a bond is required to be given, such statutes or such rules and practice of the court shall not apply to said city, but such proceedings may be taken or such proceeding or suit brought in any court, or appeal taken from such final judgment or order, by said city without such bond being entered into by it.

NO OFFICER OR EMPLOYEE OF CITY TO HAVE ANY INTEREST IN ANY WORK, CONTRACT, PURCHASE OR SALE, FOR, WITH, FROM OR TO THE CITY.

SEC. 18. No officer or employee of the city or of any department thereof or of the board of education shall be a party to or directly or indirectly interested in or be the beneficiary of any work, contract, purchase or sale, for, with, from or to the city, or any department thereof, including the board of education; or to or in any work, contract, purchase or sale with any contractor in relation to any work, contract, purchase or sale, for, with, from or to the city or any department thereof, including the board of education, or in any work, contract, purchase or sale in which the city, including the board of education, has a direct or indirect pecuniary interest. Bids or contracts for or purchases of any material, machinery, process or thing, which, or the supply of which, is controlled by one person or company, or which is in any sense a monopoly, shall not be invited or made by or on behalf of the city or any department thereof,

Bids and
contracts.

When
deprived of
office or
employment.

including the board of education, included with other things to be bid upon or purchased, but must be invited and made separately. Any contract, purchase, sale or bid made in violation of the provisions of this section shall be absolutely void and of no force or effect against the city or any board or department thereof, including the board of education. Any officer, member of a board or employe of the city, or of the board of education violating any of the foregoing provisions shall be forthwith deprived of his office or employment under the city government, if a city officer, board member or employe, pursuant to section eleven of Title II of the city charter; if a member of the board of education or of the library commission he shall be removed by those bodies under provisions substantially conforming to said section eleven of Title II of the said city charter. In construing this section every member of the common council (but with reference only to work, contract, purchase or sale directed or made by the council,) and every member of any board provided for in this act (but with reference only to work, contract, purchase or sale directed or made by such board) shall be considered an officer of the city, and in every case every member of an interested partnership and every stockholder of an interested corporation or joint stock association, excepting public service corporations, shall be considered interested. The prohibitions of this section shall not apply in case the work, contract, purchase or sale in question is directed or made by the council, or by any board provided for in this act, if said council or board shall declare on its records, by resolution adopted by three-fourths of the entire membership, that such work, contract, purchase or sale to or with such interested person is necessary for the best interests of the city, notwithstanding such prohibition.

Prohibitions,
when not to
apply.

REMOVAL FROM OFFICE.

SEC. 19. The mayor may remove any member of any appointive board at any time for inefficiency, inattention to his duties, misfeasance or malfeasance in office, but prior to the time of such removal the mayor shall make a written report to the common council setting forth in detail his reasons for such removal, and said removal shall not become effective until approved by a vote of two-thirds of all of the aldermen-elect of the common council.

MEANING OF TERM "PAVING" OR "PAVEMENT."

SEC. 20. Wherever the term "paving" or "pavement" is used in this act or the ordinances of the city, it shall be construed to mean any improvement or dressing of the streets, lanes or alleys of the city consisting of asphalt, brick, asphalt block, concrete, macadam, or covering the same with gravel or crushed stone.

RIGHTS UNDER FORMER CHARTER TO REMAIN INTACT.

SEC. 21. Nothing in this act contained shall be construed to destroy, impair or in any manner take away any vested right, right of action or remedy acquired or given by any of the provisions of the charter of the city hereby repealed, but the same shall be and remain as valid in every particular as if said charter had remained in full force and effect and this act had not passed; and all causes of action arising under such provisions are hereby expressly preserved intact. All proceedings, assessments, suits or prosecutions of whatever nature, civil or criminal, commenced under any of the provisions of such charter shall be carried on and completed the same as if such charter was still in force and effect. All proceedings, assessments or suits of whatever nature to be commenced on account of any right or remedy arising under any of the provisions of such charter and all prosecutions for any offense committed, or penalty or forfeiture incurred while such charter was in effect, may be commenced and enforced in the same manner in all respects and with the same effect, including any sentence thereunder, as if this act had not been passed and such charter was still the charter of the city, and such charter shall govern as to such rights, remedies, proceedings and punishments thereunder.

THIS ACT NOT TO AFFECT ANY ACTION TAKEN BY COUNCIL PREVIOUS TO ITS PASSAGE.

SEC. 22. Nothing in this act contained shall be so construed as to annul, impair or affect any ordinance, by-law, resolution or regulation of the city adopted by the common council before this act shall have taken effect and not inconsistent with the provisions of this act, but the same shall continue in full force until amended or repealed as completely as if this act had not been passed.

ALL OFFICERS TO FILL OUT THEIR TERMS OF OFFICE.

SEC. 23. All the officers of the city who may be in office at the time this act shall go into effect, unless otherwise expressly provided, shall continue to exercise the duties of their respective offices for the terms for which they were elected or appointed, and until their successors shall have been elected or appointed and duly qualified.

THE ADVISORY INITIATIVE.

SEC. 24. Whenever a petition, signed by not less than twelve per cent of the electors of the city of Grand Rapids as shown by the last preceding vote for mayor, asking for the adoption of any charter amendment therein set forth, shall be presented to the common council, the said common

council shall cause it to be submitted to the electors of the said city to be voted on at the next charter election, if one is to be held within not less than forty nor more than ninety days from the date of such presentation, and, if no charter election is to be held within that period of time, and the petition shall so request then it shall be submitted at a special election to be called and held in accordance with the provisions of the charter for special elections, and within not less than forty nor more than fifty days from the date of said presentation of petition to the council.

SEC. 25. The city clerk shall cause said proposed charter amendment to be published in full at least once each week for four consecutive weeks before said election, in an official paper of said city. If a majority of the electors voting thereon shall vote in favor of it, the said proposed charter amendment shall be, by the city clerk, transmitted to the legislature with the official request of the city of Grand Rapids that it be enacted, by them, as an amendment to the city charter.

FORM OF PETITION.

SEC. 26. An advisory initiative or referendum petition may be written, typewritten or printed, and shall state clearly its purposes, together with brief reasons for its demands. The signatures to the petition shall be in writing, but need not all be appended to one paper; but each signer shall add to his signature his place of residence, giving street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

TITLE XVII.

JUSTICE COURTS.

JUSTICES—QUALIFICATION OF—ELECTION OF.

SECTION 1. There shall be two justices of the peace in and for the city of Grand Rapids, who shall be electors of the city and residents therein. They shall be attorneys at law, duly admitted to practice their profession in the several courts of this State and they shall be elected in the manner justices of the peace are now elected in the city, and shall hold their offices until their successors are elected and qualified. The justices of the peace now holding office in said city shall continue to hold the same until the expiration of their respective terms and until their successors are elected and qualified. The files, records and dockets appertaining to the offices of the former justices of the peace in said city shall

be kept in the office of the clerk herein provided for. Either of the present or future justices is empowered to issue an execution according to law upon the judgments appearing upon such dockets, as if such judgments had been rendered by him.

JUSTICES—WHEN ELECTED—TERM OF OFFICE.

SEC. 2. Justices of the peace in said city, except where they shall be elected to fill vacancies, shall be elected at the annual charter elections held therein, and shall hold their offices for a term of four years from and after the fourth day of July, succeeding their election, and until their successors are elected and qualified.

ROOMS FOR JUSTICE COURTS, ETC.

SEC. 3. The common council of the city of Grand Rapids shall provide such rooms as shall be suitable for the use of holding justice courts and for jury purposes and an office for the clerk of said courts, which offices and rooms shall be as nearly contiguous to each other as may be found practicable by the common council of said city. The said common council shall also provide the necessary furniture, fixtures, dockets, books, blanks, stationery, etc., for use in the business of said courts and for heating and lighting the said rooms.

JUSTICES—SALARIES, FEES, OFFICE HOURS, ETC.

SEC. 4. Each of the justices of the peace of the city of Grand Rapids shall receive from the treasury of said city an annual salary of one thousand three hundred dollars, which salary shall be in lieu of all fees, costs and charges to which said justice would be entitled but for the provision of this act, except fees for the performance of marriage ceremonies, for taking acknowledgments and for administering oaths in matters not connected with suits or proceedings in justices courts in said city; such salary shall be paid to said justices in monthly installments as other officers of said city are paid. Each of said justices shall have his court room open and he shall be in attendance from the hour of nine o'clock in the forenoon until twelve o'clock noon, and from the hour of two o'clock in the afternoon until four o'clock: *Provided,* That where either of said justices is actively engaged in the trial of a suit, he shall so continue at least until five o'clock in the afternoon, when it may be necessary so to do in order to finish the trial of the suit in progress.

JURISDICTION OF JUSTICES.

SEC. 5. Each of said justices of the peace in said city of Grand Rapids shall as against all other justices of the peace

of Kent county, have exclusive jurisdiction of all acts and proceedings within their jurisdiction where both the parties thereto shall at the time of the commencement of such actions or proceedings be residents of said city. They shall also have like exclusive jurisdiction as against all other justices of the peace of said county where the original cause of action existed in favor of a resident of said city but has by him been assigned.

OATH OF OFFICE—JUSTICES TO HAVE SAME POWERS, ETC., AS
JUSTICES IN TOWNSHIPS.

SEC. 6. The justices of the peace of the city shall file their oaths of office in the office of the clerk of the county of Kent, and shall have in addition to the duties conferred by this act on them, the same jurisdiction, powers and duties conferred on justices of the peace in townships; and in all actions of assumpsit the said justices of the peace shall have concurrent jurisdiction with the circuit courts to the amount of five hundred dollars, and in actions of tort to the amount of three hundred dollars.

DUTY OF JUSTICES.

SEC. 7. It shall be the duty of the justices of the peace of said city to keep their offices in said city and attend to all complaints of a criminal nature which under the general laws of the State may come before them.

WHEN JUDGMENT OR VERDICT OF A JUSTICE MAY BE SET ASIDE—
MOTIONS AND AFFIDAVITS FOR NEW TRIAL—EXECUTION
UPON A JUDGMENT.

Proviso,
motion filed.

SEC. 8. The justice before whom any cause has been tried and verdict or judgment rendered shall have the same power and authority to set aside the verdict or judgment and grant a new trial therein, upon legal cause shown therefor, as the circuit courts of the State possess: Provided, That a motion in writing be made and filed with the clerk of said justice courts within five days after the rendition of the verdict or judgment in said cause. Said motion shall briefly and plainly set forth the reasons and grounds upon which it is made. Affidavits upon which the motion is founded shall also be filed at the time of filing said motion, and notice of the hearing of such motion with copy of the motion and affidavits filed as aforesaid, shall be served upon the adverse party or his attorney at least two days before the hearing thereof. Such motion shall be determined within two days after submission and the same shall be submitted within one week after the motion has been filed. Should such motion for a new trial be granted, the costs of the former trial, together with the costs of the new trial shall abide the final determination of

the suit and be taxed in favor of the prevailing party: **Proviso.** Provided, That the whole sum so incurred shall not exceed the sum of twenty dollars. The time for taking an appeal from a judgment in case such motion be not granted shall begin to run from the time when such motion shall be overruled. In no case shall the pendency of such motion stay the issuing and levy of an execution upon a judgment entered therein; but in case of a levy under execution pending such motion no sale of property so levied shall be advertised or made until the final determination of such motion. **Appeal from judgment.**

WHEN APPEALS MAY BE TAKEN FROM JUDGMENT.

SEC. 9. No appeal shall be taken from any judgment of any justice of the peace except in the following cases:

First. When said justice shall disallow any claim in favor of any plaintiff or defendant in any cause, in whole or in part, to the amount of fifty dollars or more, or the verdict of the jury before whom the same shall be tried shall be for the sum of fifty dollars or upwards.

Second. When said justice shall render a judgment to the amount of fifty dollars or upwards, exclusive of costs, the party aggrieved may take an appeal therefrom to the circuit court for Kent county: **Provided,** That where the judgment rendered shall be for less than the sum of fifty dollars, the party conceiving himself aggrieved thereby may take a special appeal or certiorari upon questions of law to the said circuit court in the manner provided by the general laws of the State. **Proviso.**

Third. Appeals may be authorized by the circuit court of Kent county when the party making the appeal has been prevented from making a defense upon the merits of the case in which such appeal is taken by circumstances not under his control; and such appeal may also be authorized by the circuit court of Kent county when in the opinion of such court justice requires that it be granted.

Fourth. Under no circumstances shall any appeal be allowed or authorized after five days from the rendition of judgment, except as herein otherwise provided. In all cases where the parties against whom such appeal is sought have appeared in said justice court by attorney or agent, it will be sufficient to serve such attorney or agent with notices of all subsequent proceedings in such case, and all orders made therein by said circuit court may be served on said attorney or agent and such service shall have the same effect as though made on the party against whom such appeal has been taken.

FEES FOR FILING APPEALS—CLERK OF COURT TO FILE RETURN TO APPEAL WITH CLERK OF KENT COUNTY.

SEC. 10. Before any affidavit for appeal or writ or notice of certiorari shall be served on any one of said justices in addition to the fees allowed by law for making returns to an

appeal or certiorari the entry fee for filing the same in the circuit court shall be paid to the said clerk thereof by the appellant or plaintiff in error, and the said clerk shall as early as possible file a return to such appeal or writ of certiorari in the office of the clerk of the circuit court for Kent county, and shall pay over to him the fees as aforesaid, and if said return is not filed with the clerk of the circuit court within ten days after the appeal costs or costs on certiorari shall have been paid, a writ of mandamus may be issued in the circuit court for the county of Kent to the clerk of the justices courts compelling him to make such return forthwith, and he shall be personally liable for the costs, if any shall be awarded in such proceedings.

**BONDS OR FUNDS DEPOSITED WITH CLERK OF COURT TO SECURE
PAYMENT OF JUDGMENT, COSTS, ETC.**

SEC. 11. In all cases where a party is required or allowed by law to give a bond as a condition of commencing or prosecuting any suit, action or proceeding in such justices courts, such party may execute and file such bond, or he may in the discretion of the court deposit with the clerk thereof the amount of the bond required in legal tender of the United States; and in garnishment proceedings the principal defendant may have any money or effects released which have been garnisheed by filing with the justice before whom the case is pending a bond approved by said justice in double the amount of plaintiff's claim stated in his affidavit, and not less than fifty dollars, or deposit with the clerk of the court an amount equal to such a bond in money, which money shall remain with said clerk until disposed of by the court according to law. A certificate of such deposit setting forth the case in which the amount thereof, the person by whom, the purpose for which and the time when deposited shall be given to the party depositing the same with the clerk of said court. Upon the final disposition of the case, action or proceeding in which such deposit was made, in case the party making such deposit shall be adjudged liable to pay the costs of such suit or proceeding or to pay any other sum to secure the payment for which said deposit was made, then such funds so deposited shall under the direction of the court be applied in payment and satisfaction of the same. Should any surplus remain after satisfying such order of the court, the same shall be returned to the party depositing it.

FINES, ETC., FOR CONTEMPT OF COURT.

SEC. 12. The justices of the peace mentioned herein shall have the power to make and adopt such rules of practice and decorum in their courts as to them may be deemed advisable for the purpose of facilitating the business of said courts, and any party violating any rule relating to decorum in said

court shall be guilty of contempt and may be so adjudged by the member of said court where such rule shall have been violated, and for such violation the said justice may fine the offender in a sum not to exceed fifty dollars, or commit said offender to the common jail of Kent county for a period not exceeding thirty days. If only a fine be imposed in default of the payment thereof, said offender may be committed to said common jail until said fine is paid for a term not exceeding thirty days.

WHEN JUSTICES MAY ACT AS POLICE JUDGE—COMPENSATION FOR
SAME.

SEC. 13. It shall be part of the duties of each of said justices of the peace to act as judge of the police court of the city of Grand Rapids whenever, from any cause, the said judge of police court shall be unable to perform the duties of his office, and whenever there shall be a vacancy in said police court by reason of the death of the judge thereof, or otherwise, and for such service the said justice of the peace so serving shall receive as compensation the sum of three dollars per day in addition to his regular salary as such justice of the peace, one-half of which salary shall be paid by the county of Kent and one-half shall be paid by the said city of Grand Rapids in like manner, as the salary of said police judge is paid. The justices of the peace shall exercise all the powers, authority and jurisdiction of said police judge, as aforesaid, while acting in his place.

REMOVAL OF JUSTICE FROM OFFICE.

SEC. 14. Any justice of the peace of the city may be suspended or removed from his office by the circuit court for the county of Kent for inefficient or unfaithful performance of his duties, or for any official misconduct, on charges specially preferred by the common council of the city of Grand Rapids, or any member or officer thereof, or by three electors of said city, founded on affidavit filed in said circuit court, specifically stating the charges, a copy whereof shall be served upon such justice in such manner as said circuit court shall direct.

BOOKS, DOCKETS, ETC., KEPT BY CLERK OF COURT TO BE OPEN FOR
INSPECTION, ETC.

SEC. 15. All dockets, papers and office books kept by the clerk of the justices courts shall at all times be subject to the inspection and examination by the common council or any member or officer thereof. It shall be the duty of said clerk to produce such dockets, papers, and books at all times whenever and wherever the common council shall direct, and if he shall refuse to so produce such dockets, papers or office

books, as directed and required, the circuit court for the county of Kent, may on proper application being made, make an order requiring the same to be produced and enforce obedience thereto.

JUSTICES TO INSTRUCT JURY IN JURY CASES.

SEC. 16. It shall be the duty of said justices to instruct the jury in jury cases as to the law applicable to the case, which instructions shall be received by the jury as the law of such case.

NOTICE AND SALE OF STOLEN PROPERTY.

Proviso. SEC. 17. It shall be the duty of each of said justices of the peace at the first regular meeting of the common council in the months of August, November, February and May in every year, to make a statement on oath to be presented to the common council of all goods, wares and merchandise seized as stolen property that shall then remain unclaimed in the offices of either of said justices of the peace, and immediately thereafter to give notice once in each week for four weeks in one of the newspapers printed in said city of Grand Rapids to all persons who may be interested in such property or make claim thereto: Provided, always, That if any goods, wares, merchandise or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the office of either of said justices, it shall be lawful for said justice to sell the same at public auction at such time and after such notice as he may be directed to give by the common council of said city.

RETURN OF STOLEN PROPERTY TO OWNERS.

SEC. 18. It shall be the duty of each of said justices of the peace aforesaid, who may recover or obtain possession of any stolen property, on receiving satisfactory proof as to the ownership of such property from the owner or his agent, to deliver such property to the owner upon his paying necessary and reasonable expenses which may have been incurred in the recovery, preservation or care of such property, including the expense of advertising the same.

SALE OF STOLEN PROPERTY.

SEC. 19. It shall be the duty of each of the justices of the peace aforesaid to cause all property unclaimed after the expiration of the notice specified in section seventeen of this title, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of Kent county shall direct that it remain unsold for a longer period to be used as evidence in the administration of justice, and

the proceeds thereof forthwith to pay to the treasurer of the city of Grand Rapids together with all money, if any, which shall remain in his hands after such notice as aforesaid, less the expense of sale.

JUSTICES EXERCISING CIVIL JURISDICTION DEEMED JUSTICES OF KENT COUNTY.

SEC. 20. The justices of the peace of said city exercising civil jurisdiction shall be deemed justices of the peace of Kent county, and be subject to the general laws of the State in relation to civil causes before justices of the peace, and appeal from their judgment may be made to the circuit court for the county of Kent in the same manner as appeals from judgments of justices of the peace in towns are made, except as herein otherwise provided.

AUTHORITY OF JUSTICES IN CRIMINAL CASES.

SEC. 21. The justices of the peace of said city shall have all of the authority of justices of the peace in towns in criminal matters as well as civil, and perform all the duties herein required of them either under the State law or by the provisions of this act.

CLERK OF THE JUSTICE COURTS—ELECTION—TERM OF OFFICE—SALARY—BOND—WHEN MAY BE REMOVED—APPOINTMENT OF DEPUTY, ETC.

SEC. 22. At the annual charter election in one thousand nine hundred seven, and every two years thereafter, there shall be elected a clerk for such justices of the peace to be known as "Clerk of the Justice Courts of Grand Rapids," who shall hold his office for the term of two years from the first Monday of May next succeeding his election and until his successor is elected and qualified. Said clerk shall receive from the treasurer of said city an annual salary of one thousand dollars, to be paid to him in monthly installments, as the other officers of said city are paid. He shall have Deputy. power to appoint one deputy and revoke any such appointment at pleasure; the compensation of such deputy shall be fixed by the common council of said city, and such deputy shall be paid in the same manner as other city employees are paid. Any deputy so appointed shall have the power to perform all of the duties of said clerk, and the said clerk shall be responsible for the acts of such deputy. Said clerk may require such bond or other security from such deputy as he may deem proper. The said clerk of said courts shall Bond. file in the office of the city clerk of said city a bond, approved by the common council of said city, in the penal sum of two thousand dollars, with two or more sufficient sureties conditioned that he shall well and truly perform his duties as

clerk of said courts and account for and pay over all moneys which shall be received by him or his deputy, to the person or persons lawfully entitled to receive the same. The common council shall have power to remove said clerk at any time for causes provided for in the charter of the city of Grand Rapids.

CLERK OF JUSTICE COURTS—OFFICE HOURS—DUTIES, ETC.

SEC. 23. The office of said clerk shall be open and he or his deputy be in attendance therein from eight o'clock in the forenoon until noon and from one o'clock to five o'clock in the afternoon on all days when the court is in session. It shall be the duty of said clerk to assist said justices in the preparation of process and to keep full and complete dockets of the proceedings before each of said justices in the manner provided by law. Said clerk shall file and safely keep all books and papers belonging to said office. Said clerk shall also enter in a book the names of all persons who shall sit as jurors in said courts in the trial of causes, such names to be arranged alphabetically, together with the date that each juror so sat and a reference to the page of the docket where the proceedings of the trial are entered. The said clerk and his deputy shall, by virtue of their office, be empowered to administer oaths, and take disclosures in garnishment cases. The said clerk shall receive all fees, costs, fines and dues of every description that shall become due and payable on account of proceedings in said courts before said justices, except fees for the performance of marriage ceremonies, for taking acknowledgments and for administering oaths in matters not connected with suits or proceedings pending in said justice court, and shall keep an account of the same and pay over all such fees, costs, fines, penalties, forfeitures and dues (except such as are by law required to be paid to the clerk of the circuit court for the county of Kent, upon the removal of causes from such justices courts to said circuit court, and such as are required by law to be paid to the county treasurer of said county), to the treasurer of the city of Grand Rapids for the benefit of said city, such payments to be made weekly. Said clerk shall also receive all other moneys paid into such courts for or on account of proceedings therein and shall pay over all such moneys to the person or persons lawfully entitled thereto, or to his or their duly authorized agent or attorney.

FEES TO BE PAID CLERK OF COURT.

SEC. 24. Before any civil action or proceeding shall be commenced in any of said justice courts there shall be paid to the clerk of said court by the party commencing the same, an entry fee of one dollar, and before the trial of any such cause or proceeding shall be commenced there shall be paid

the same party a judgment fee of one dollar, but in case of nonsuit before the commencement of such trial no judgment fee shall be required. Proceedings in garnishment shall be treated as an auxiliary action and there shall be paid to the clerk of said court by the party commencing the same, an entry fee of fifty cents, and when an issue of fact shall be joined in respect to the liability of the garnishee or garnishees in such case a judgment fee of one dollar shall be paid before such trial shall commence. Upon the issuing of an execution upon any judgment rendered in said court there shall be paid to the clerk of said court the sum of fifty cents, which said sum together with other costs, shall be taxed in favor of the party paying the same if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing of the execution or for the purpose of staying proceedings or removing causes to an appellate court, there shall be paid to the said clerk the fees provided by law. Upon the adjournment of any cause there shall be paid to the clerk of said court the sum of twenty-five cents, and in cases of adjournment by stipulation of the parties the costs of such adjournment shall be mutually borne by said parties.

CLERK TO ASSIGN CAUSES IN COURT TO JUSTICES RESPECTIVELY
IN REGULAR ROTATION, ETC.—WHEN CASES MAY
BE TRANSFERRED.

SEC. 25. The process issued from said justice courts shall be signed by the justice before whom the cause in which it was issued was commenced or is pending, and said clerk shall assign said causes begun in said courts to the justices respectively in regular rotation as nearly as practicable. If, upon the return day or adjourn day of any cause the justice by whom the process was issued shall be absent at the time or is engaged in the trial of any other cause pending in said court, the other justice thereof, if present, shall proceed therein as though it had been originally commenced before him. On the return day of any process before the justice of the peace before whom the cause has been assigned by the clerk, any party to said cause may have a new assignment of the same by presenting to such justice an affidavit therein made by himself, his agent or attorney, stating that the person making such affidavit has good reason to believe and does believe that said justice to whom said cause has been assigned is interested therein or is biased or prejudiced against the party in whose behalf the affidavit is made. Said justice shall thereupon transfer said cause to the other justice of said court who shall proceed therein as if the same had originally been commenced before him. In all cases where causes are transferred from one justice to the other, the docket entries therein shall be made in the docket of the justice by whom the original process shall have been issued. Docket entries of proceedings had before each of said justices

shall be made by the justice or clerk of said court and signed by the justice before whom such suit or proceedings were had, and upon the same day that such proceedings were had.

TRIAL BY JURY.

SEC. 26. If any party to a cause before either of said justices shall demand a trial by jury, he shall pay the fees therefor in advance to said clerk, and the same shall be disposed of by the clerk in the manner now provided by law and the moneys paid for jurors shall be taxed as costs in favor of the party paying the same, if he be the prevailing party in the suit, in addition to such other costs as he may be entitled to recover.

FEES IN CRIMINAL CASES.

SEC. 27. In criminal cases the same justice fees may be collected and in the same manner as in such proceedings before justices of the peace in townships, except that the same shall be received by the said clerk and paid to the treasurer of said city as provided in civil suits.

UNLAWFUL FOR CLERK OR JUSTICES TO ACT AS COUNSEL OR AGENT FOR ANY PARTY IN ANY SUIT.

SEC. 28. It shall be unlawful for said justices of the peace or said clerk or deputy clerk of said court to act as counsel, agent or attorney for any party in any matter, suit or proceeding within the jurisdiction of said court.

REPEAL—WHEN ACT TAKES EFFECT, ETC.

SEC. 29. All acts or parts of acts contravening this act are hereby repealed: Provided, That all proceedings pending in the said courts at the time this act shall take effect under the law heretofore relating to justices of the peace and all judgments of said courts may be had and enforced under the provisions of this act and carried through to termination hereunder.

TITLE XVIII.

POLICE COURT.

POLICE JUDGE AND HIS ELECTION—TO BE ATTORNEY.

SECTION 1. There shall be established and organized in and for the city of Grand Rapids, a municipal court to be known as "The Police Court of Grand Rapids," and there shall be elected a judge and clerk of said court, as hereinafter

provided. The police judge of said court existing under the law at the time this act takes effect and now officiating in said court shall continue to hold his office and exercise the powers and duties herein conferred under the title of police judge, until the expiration of the time for which he was elected. At the charter election in the city of Grand Rapids held in April, one thousand nine hundred six, a police judge of said court shall be elected to hold his office for the term of four years from and after the first Monday in May next after his election and until his successor shall be elected and qualified. Before entering upon the duties of his office he shall take, subscribe and file in duplicate with the clerk of said city and with the clerk of Kent county, respectively, the constitutional oath of office. He shall be an attorney and counselor at law, entitled to practice in all the courts of this State and a resident in and a qualified elector of said city.

CLERK AND HIS ELECTION.

SEC. 2. At the first annual charter election to be held in said city next after the passage and approval of this act, and at every second annual charter election thereafter, there shall be elected a clerk of the police court in the manner provided by law for the election of the judge of said court. He shall enter upon the discharge of the duties of his office on the first Monday of May next after his election, and hold the same for the term of two years thereafter, and until his successor shall be elected and qualified. He shall be a resident in and a qualified elector of said city. The present clerk of said court shall serve out the remainder of his term and perform all of the duties that may be required from such official under the provisions of this act.

BOND OF CLERK.

SEC. 3. Before entering upon the duties of his office the clerk of said police court shall take, subscribe and file with the clerk of said city the constitutional oath of office, and give a bond to the city of Grand Rapids and a bond to the treasurer of Kent county, each in the sum of two thousand dollars, with two sufficient sureties to be approved by the mayor of said city and the treasurer of said county, respectively, conditioned for the faithful discharge of the duties of his office and to account for and pay over to the proper treasurers in the manner herein provided, all moneys which shall come into his hands by virtue of his said office. The bond to the city shall be filed with the city clerk and the bond to the treasurer of said county shall be filed with said treasurer.

VACANCIES IN OFFICE OF JUDGE AND CLERK AND FILLING SAME.

SEC. 4. In case of the removal from the city of the judge of said police court, his death, resignation or removal from

office, his office shall be deemed vacant. The same causes shall be deemed to constitute a vacancy in the office of clerk of said police court. If from any cause a vacancy shall occur in the office of judge or clerk of said police court, the common council may order a special election to be held for the election of a judge or clerk, as the case may be, for the remainder of the term of said judge or clerk, which said election shall be conducted in the same manner as the annual city election. The common council, in the event of a vacancy in the office of the clerk of said court by reason of death or otherwise, may, by appointment, fill such vacancy until his successor shall have been elected and qualified. In the event of no special election having been called, the successor of said appointee shall be elected at the next regular charter election of the city held thereafter. In the event of a vacancy in the position of judge of said police court the common council, instead of calling a special election, may temporarily, by a majority vote of all the members elect thereof, elect some suitable and competent person police judge to fill such vacancy until the first Monday of May next succeeding; and in the event of such vacancy, if the common council shall not decide to call a special election to fill the same, there shall be elected at the next charter election a judge for said court to fill the unexpired term. Such person so elected shall qualify for the position upon the first Monday of May after he shall have been elected.

DUTIES OF PROSECUTING ATTORNEY AND CITY ATTORNEY.

SEC. 5. It shall be the duty of the prosecuting attorney of Kent county or his authorized deputy, or assistant, to attend all sessions of said police court and prosecute all persons charged with a violation of any law of the State of Michigan. It shall be the duty of the city attorney, or his authorized assistant, to attend all sessions of said court and prosecute all persons charged with a violation of the provisions of the city charter, or any ordinance of the city.

COURT ROOMS—JURISDICTION OF POLICE COURT—CHALLENGES OF JURORS.

SEC. 6. The police judge shall hold a court in said city at a suitable place, to be provided by the common council thereof, styled "The Police Court," and which shall not be a court of record. Said police judge shall have power and authority to take complaints, issue all processes necessary in said court, to be signed by or attested in the name of said judge, and the court shall have the same power to punish contempts and preserve order, to compel the attendance of witnesses, parties and jurors and determine as to the qualification of jurors, and such further powers incident to a circuit court and the judge thereof, as may be convenient in the



exercise of the jurisdiction and powers herein conferred upon him as such court. He shall also have all the powers and authority of a justice of the peace, except in the trial of civil cases. And in every trial in said court by jury, the city or the people, as the case may be, shall be entitled to but two peremptory challenges, and the accused to but two peremptory challenges.

JURISDICTION CONTINUED—CHARTER AND ORDINANCES—PRACTICE, ETC., WHEN ARRESTS MAY BE MADE WITHOUT PROCESS.

SEC. 7. Said police court shall have exclusive original jurisdiction to issue process for, hear, try and determine all cases against persons charged with violation of the provisions of the charter of said city or of any act of the legislature relating to the government thereof and of the ordinances of the common council thereof already enacted or that may hereafter be enacted unless otherwise provided in this charter, anything in any other law of this State to the contrary notwithstanding. All of the provisions of the law relating to complaints against offenders for violations of the charter of said city or any ordinance of the common council of said city or of the acts aforesaid, and relative to process proceedings and judgments therein, and to executions upon such judgments and proceedings thereon, shall apply to said police court. Said police court shall also have exclusive original jurisdiction to issue process for, hear, try and determine all cases of misdemeanor and of a quasi criminal nature committed within the corporate limits of said city heretofore or hereafter within the jurisdiction of justices courts, anything otherwise herein or in any other law of this State contained, to the contrary thereof in any wise notwithstanding. Said police court shall also have exclusive original jurisdiction to issue process for, hear, try and examine, and to hold to bail or discharge all persons charged therein with the commission of felonies within the corporate limits of said city. Said police court shall have authority to sentence any person convicted therein of the commission of a misdemeanor and triable in justice courts of this State the same as justices of the peace may by law. It shall not be necessary to file a record of any conviction had in said court but the docket or journal entries and files shall be prima facie evidence of all proceedings had in said court. And in all cases of the violation of the provisions of the charter or ordinances of said city, each member of the police force may make arrest without process, when committed in his presence, in which case complaint and arraignment shall be made without delay.

SEC. 8. The practice in said court may be the same as practice in courts of justices of the peace in criminal cases. And the laws of this State relative to such practice and the procedure before justices of the peace in criminal cases shall, except as herein otherwise provided, be followed in said police court. All process issued out of said court shall be directed to the chief of police, or any member of the police force of said city, or to the sheriff of Kent county, but no such process shall be served or executed by the chief of police or any member of the police force outside of the corporate limits of said city except as in this act otherwise provided, unless in case of immediate pursuit in view of such officer, in which case he or they may pursue and arrest the same as the sheriff of the county might in like case do. It shall be the duty of the sheriff to keep a record of all process served by him outside of said city, which record shall show the date of the process, name of the accused, a summary of the proceedings had therein and the amount of fees and charges of the officers who shall execute the same.

FEEES PROHIBITED—SALARIES OF JUDGE AND CLERK.

SEC. 9. The police judge and clerk shall receive no fees for their services performed under this act, but in lieu thereof the police judge shall receive an annual salary of one thousand eight hundred dollars, one-half of which shall be paid by the city of Grand Rapids, monthly, in the manner provided by law for the salaries of city officers, and one-half of which shall be paid by the treasurer of the county of Kent out of the treasury of said county in the manner provided by law for the payment of the salary of the prosecuting attorney. The clerk of said police court shall receive an annual salary of one thousand two hundred dollars, to be paid in the same manner as the salary of the police judge, one-half of which shall be paid by said city, and one-half thereof by the treasurer of the county of Kent, out of the treasury of said county. Neither the chief of police nor any member of the police force of said city shall be entitled to receive for his own use any fees for services performed under this act.

OFFICES OF JUDGE AND CLERK, FURNITURE AND SUPPLIES.

SEC. 10. It shall be the duty of the common council of said city to provide a suitable office for the judge and clerk of said court adjacent to the court room thereof as near as may be, and such necessary furniture, light, fuel, records, blanks, stationery and other articles as may be required for the judge, court, clerk, jury and other officers of said court. The office of said judge shall be separate from that of the clerk.

COURT ALWAYS OPEN—ADJOURNMENT OF CASES—BAILIFF AND HIS ASSISTANT.

SEC. 11. The police court shall always be open for business, but may adjourn its sittings from day to day and from time to time, as may be convenient, and not inconsistent with the dispatch of business. Cases and examinations pending in said court may be adjourned from time to time, not exceeding three months from the arraignment of the accused therein, unless the court shall be satisfied by proper evidence that the attainment of justice requires a further continuance, and then only for such further time as may be necessary to accomplish such object. The judge of said court shall appoint a good and competent elector of said city bailiff of said court, which appointment shall be in writing signed by such judge and filed with the clerk of said court as a part of the records thereof, and thereupon said clerk shall make a duly certified copy of such appointment and file the same with the board of police and fire commissioners of said city, which board shall at that time or at its first session thereafter, by proper resolution duly clothe such person with police powers, and he shall thereupon be a policeman of said city, vested with all the powers, rights and liabilities of such officers and of police constables, but not to receive pay as such policeman. The person thus appointed may be removed at the pleasure of such judge. Said bailiff shall receive a salary at the rate of eight hundred dollars per year, to be paid in the same manner as the salary of the judge of said court is paid; and upon a vacancy occurring in said office by removal or otherwise, the same shall be immediately filled as above provided. One member, at least, of the police force of said city shall attend each session of said court, to assist the bailiff. Bailiff.

INSTRUCTIONS TO JURIES—APPEALS—DRAWING JURIES—PRACTICE.

SEC. 12. It shall be the duty of the judge of said court to instruct the jury as to the laws applicable to any case on trial before a jury, which instructions shall be received by the jury as the law of the case. The defendant shall have the right of appeal and certiorari from final judgment of said court as provided by law for appeals and certiorari from final judgments of justices of the peace in criminal cases: Provided, Such appeal or certiorari shall be taken and perfected within twenty-four hours from the time of the court pronouncing its judgment or sentence. In State criminal cases, appeals and writs of certiorari shall be taken to the circuit court for the county of Kent. Juries shall be drawn and appeals and writs of certiorari, both in city and State cases, shall be taken, perfected and returned in the manner provided by law for like acts before justices of the peace in criminal cases, except as herein otherwise provided.

CITY JUSTICES TO BE ASSISTANT POLICE JUDGES—EXTRA COMPEN-
SATION—COUNCIL TO DECIDE IN CASE OF DISAGREEMENT
ABOUT WHO SHALL SERVE.

SEC. 13. Each of the justices of the peace of the city of Grand Rapids shall be ex-officio assistant police judges of said court, who shall possess the same qualifications as are required of the police judge, and exercise the same powers, authority and jurisdiction that are herein conferred upon said police judge in case of the absence, inability or disability of the police judge to perform the duties of his office. In the event of a vacancy caused by the death of said police judge, one of said justices of the peace shall perform such duties as assistant police judge until such vacancy shall have been filled in the manner hereinbefore provided. The justice of the peace who shall act as assistant police judge shall receive pay for the time he shall so officiate at the rate of three dollars per day, to be paid in the same manner as the police judge is paid, one-half by the city of Grand Rapids and one-half by the county of Kent. Should there be any disagreement between the justices as to who shall serve in police court, the council shall decide the matter by vote.

VIOLATIONS OF ORDINANCES—CHARTER—PRACTICE—DISPOSITION
OF FINE MONEY—REPORT OF CLERK.

SEC. 14. Cases commenced in the name of said city for violations of the provisions of the charter or ordinances thereof, or of any act of the legislature relating to the government thereof, shall be prosecuted and proceeded in, as in other criminal cases, and the judgment thereon, and the final process upon such judgment shall conform to the practice in other criminal cases; but all fines and costs collected in such cases shall be by the clerk of the police court paid to the treasurer of the city of Grand Rapids on the first Monday of each and every month, or within three days thereafter; and all fines and costs collected in State criminal cases shall at the same time be paid to the treasurer of the county of Kent by the clerk of said court, and receipts therefor shall be duly issued to said clerk. Said clerk shall at the same time report in writing to the common council of said city in city and State criminal cases, and to the board of supervisors in State criminal cases, the names of all persons tried in said court during the preceding month, the offense charged against each, and the amount of fines and costs collected by him in each case, and shall make oath thereto that the report is correct, and that he has paid over all the said moneys respectively in accordance with the provisions of this act.

AMOUNT OF FEES AND TAXING COSTS, AND PAYING FEES.

SEC. 15. The fees and costs in each case in said court, whether under the laws of this State, or under the charter

or ordinances of said city, shall be the same as are or may be provided by law for like cases before justices of the peace in criminal cases and shall be taxed by said clerk. The fees of witnesses, jurors, sheriffs, and constables, other than police officers of said city, shall when collected be paid to the party entitled to the same by said clerk. If the defendant shall plead guilty to the offense charged or be found guilty thereof on trial by said judge, judgment for costs accruing in the case shall be rendered against and paid by said defendant in addition to the fine, penalty or forfeiture imposed.

SECURITY FOR COSTS AND JUDGMENT AGAINST PRINCIPAL AND SURETY.

SEC. 16. The said police judge or clerk shall have authority in all cases, State or city, at his discretion, either before or after issuing of process, to require of the complaining witness security for costs to the satisfaction of said judge or clerk, and such surety or sureties shall sign a memorandum in writing to that effect, which said clerk shall keep as a part of the record in the case. If the defendant or accused be discharged on examination or acquitted on trial, the said police court shall enter a judgment for costs against the surety or sureties and complaining witness, either or both of them, which shall be of like force and effect, and shall be collected as upon judgments rendered by a justice of the peace in actions commenced by warrant, and the execution shall be in like form as executions upon said judgments: Provided, however, Before rendering such judgment said court shall cause to be certified on the record that such payments of costs by such complainant is just and equitable.

COUNTY TO PAY HALF THE EXPENSE OF SAID COURT—BUT NOT MORE THAN \$2,000—AND METHOD OF COLLECTING SAME.

SEC. 17. One-half of all costs and expenses of said city in maintaining and providing for said court other than the salaries of its officers shall be paid to the treasurer of said city annually by the treasurer of said county out of the treasury of said county, at the close of the regular annual session of the board of supervisors of said county: Provided, That one-half of the whole amount of the expense of said city for salaries of the police judge and clerk of the police court and rent of court room and office of said clerk, and records, blanks and stationery for use of said court and the officers thereof to be so paid, in any one year shall not exceed the sum of two thousand dollars. It shall be the duty of the treasurer of said city at the first day of each annual session of said board to present the claim of said city therefor duly certified, and said board shall, at the same session, audit and allow the same, if found correct, and order the payment thereof as aforesaid. Proviso.

KEEPING RECORDS—CLERK CUSTODIAN—REQUISITIONS FOR SUPPLIES—SIGNING DOCKET ENTRIES—CLERK TO RECEIVE ALL MONEYS—DEPUTY CLERK—OATH AND BOND—COMPENSATION—POWERS AND DUTIES OF CLERK.

SEC. 18. The clerk of the police court shall keep and preserve the records and files of said court, and do all the necessary clerical work of said court, except as hereinafter provided, and be the custodian of the records, files and property thereof. He shall provide the court and its officers, by making requisition on the common council thereof, with the necessary stationery, records, blanks, and other articles. The journal or docket entries of said court shall be signed by the judge thereof. Said clerk shall receive and account for all moneys collected in said court. He shall annually nominate a suitable person as deputy, who shall be confirmed by the common council of said city. Such deputy shall, before acting, take and file the oath of office and make and file like bonds as are required of the clerk. The said deputy clerk shall perform the duties of said clerk when so required by said judge, and during the absence of said clerk, for which he shall receive compensation for the time he shall officiate at the rate of three dollars per day, to be paid in the manner hereinbefore provided for the payment of the salary of the judge of said court, which amount so paid to said deputy shall, when paid, be deducted from the salary of the clerk of said court. In case the office of said clerk shall become vacant by resignation or as hereinbefore provided, said deputy clerk shall become the clerk of said court until the next charter election of the city (or until such vacancy shall otherwise have been filled), and thereupon it shall become his duty to file bonds as clerk of said court, and appoint a deputy as hereinbefore provided. Said clerk shall not be concerned as counsel in any case in said court. Said clerk may sign and seal, either with a scroll or device (and if with a device, such device must be approved and adopted by said police judge, by an order filed and recorded by said clerk as a part of the records of said court), all writs and process issuing from said court as provided in this act. He shall have power to administer oaths, take recognizance or bail, swear witnesses and jurors, and to do all acts usual and proper to be done by the clerk of the superior court of Grand Rapids, within the jurisdiction of said police court.

SUSPENSION AND REMOVAL OF JUDGE.

SEC. 19. Said police judge may be suspended from his said office and removed therefrom in the same manner and form as provided by law for the suspension and removal of justices of the peace.

COMMITMENTS.

Sec. 20. Whenever any person shall be sentenced by the police court to confinement in any place of imprisonment outside of the corporate limits of said city, it shall be the duty of the sheriff or any deputy sheriff of Kent county, or any member of the police force designated by the police judge, to take, transfer and deliver such sentenced person under commitment of said court to such place of imprisonment. All other commitments to any place of imprisonment in the county of Kent may be executed by said sheriff or any member of the police force of said city.

STENOGRAPHER AND COMPENSATION.

Sec. 21. In case of examinations of offenders by said police court for offenses committed against the criminal laws of this State, when said police court has jurisdiction to examine and hold to bail only, it shall be lawful for the board of supervisors of the county of Kent to appoint, on the recommendation of said court, some suitable stenographer for said court, to take down in shorthand the testimony in any such examination; and any stenographer so appointed shall receive such compensation for the time by him expended in so taking down such testimony, and such price per folio for writing out in long-hand or on a typewriter such testimony so taken in shorthand, as shall be fixed by the board of supervisors of Kent county, the same to be allowed and paid out of the treasury of said county.

PENDING CASES NOT TO LAPSE.

Sec. 22. All criminal cases, examinations or proceedings commenced in said police court before this act shall take effect, shall be tried, heard, determined or examined as if this act had not been passed.

TITLE XIX.**DOCK AND SAFETY LINES.****ESTABLISHMENT OF DOCK LINES A NECESSARY PUBLIC IMPROVEMENT.**

SECTION 1. That the permanent establishment of dock, safety, sanitary and building lines along the shores and margins and in the waters and on the bed of Grand river, within the corporate limits of the city of Grand Rapids is a public necessity.

DOCK LINE LIMITS—NOT AFFECT PARTY RIGHTS TO DAM OR REDUCE
SPACE FOR FLOW OF WATER—RIVER ABOVE AND BELOW,
HOW SPANNED—ACQUIRING RIGHTS BY CONSENT
OR CONDEMNATION PROCEEDINGS.

SEC. 2. That along so much of Grand river as lies between the north line of Fulton street bridge, a public bridge across Grand River in said city, and the center line of the Detroit, Grand Haven and Milwaukee Railway Company's bridge across said river in said city, such dock, safety, sanitary and building lines are hereby permanently established and fixed as follows, to wit: Commencing on the east side of said river at the west face of the east abutment of said Fulton street bridge; running thence northerly on a straight line to a point located a distance of one hundred forty feet measured westerly from the west line of Campau street along the south line of lot number eight in Innis, McConnell, and Barnard's subdivision of lots three, four and five of block four Campau plat; running thence northerly on a straight line to a point under the coping on the west face of the concrete abutment at the east end of and on the center line of the Grand Rapids and Indiana Railroad Company's bridge across said Grand river; running thence northerly on a straight line to a point which is one and sixty-five hundredths feet west of the southwest corner of the brick wall above the foundation of the Bissell Carpet Sweeper Company's factory building; thence northerly on a straight line to a point on the center line of Bridge street bridge, a distance of twelve and two-tenths feet east of the west face of the east abutment under the coping of said bridge; running thence northerly along the west face under the coping of the Grand Rapids Terminal Railway Company's concrete wall along said Grand river to the west face of the east abutment of the public bridge across Grand river at Sixth street; thence northerly along said railway company's wall to the north line of East Leonard street; running thence northerly along the line of said concrete wall produced to the center line of the Detroit, Grand Haven and Milwaukee Railway Company's bridge across said Grand river. And on the west side of Grand river, commencing at the center line of the Detroit, Grand Haven and Milwaukee Railway Company's bridge across said Grand river and running thence southerly on a straight line parallel with the line above described on the east side of the said river, and of the uniform distance of six hundred feet therefrom, to the north line of West Leonard street; running thence southerly on a straight line to the center line of the public bridge across Grand river at Sixth street, at a point five hundred eighty feet west of the top of the west face of the east abutment measured along the center line of said bridge; running thence southerly on a straight line to a point two hundred fifty-five feet easterly from the center line of Front street measured parallel to Fourth street, and one hundred ninety-

three feet southerly from the center line of said Fourth street measured parallel to Front street; thence southerly on a straight line to the center line of Bridge street at a point four hundred seventy feet west, measured along the center line of Bridge street, from the line above described on the east side of Grand river; thence running southerly parallel to, and of uniform distance from the line first above described on the east side of Grand river to the north side of said Fulton street bridge, all in said city of Grand Rapids.

Notwithstanding the lines above described on either side of the river cut off a portion of the dam, it is not intended hereby to give the owners thereof or other parties in interest any right, not now existing, to alter the said dam, or to reduce the space for the flow of the water of Grand river at the said dam, nor in any way to change or affect the rights of the owners of said dam and water power as they now exist; and in case of the required occupancy by the owners of the space between the abutments at either side of the said dam and the dock line herein established and for a distance of one hundred fifty feet above and one hundred feet below said dam on both sides of the river, it must be spanned in such manner as will allow the free passage of water under it and over said dam and in accordance with the plans to be approved by the board of public works: *Provided, however,* That before anything in this section or act shall deprive the owner or owners of rights, estates or land bordering on the waters of said Grand river, within the limits of said city, from building out beyond the lines in this section established, or in this act provided to be established, it shall be necessary and it shall be the duty of the said city of Grand Rapids, and said city of Grand Rapids is hereby authorized and empowered to procure and obtain from every such owner of rights, estates or lands within the limits of said city, bordering on said river, to be affected by the establishment and maintenance of such permanent line or lines, by purchase or written release, or by condemnation proceedings as hereinafter provided, or otherwise, the indefeasible right to the said city to maintain such line or lines permanently, together with the right to cause to be constructed, suitable stone walls on and along such part of the line or lines as are in this act hereafter more particularly described, and together with the right of constructing and maintaining by said city of public sewers as hereinafter provided.

COMMON COUNCIL TO NEGOTIATE WITH RIPARIAN LAND OWNERS.

SEC. 3. The common council is hereby authorized to negotiate with riparian land owners along the whole or any part of the dock lines herein fixed by this act, or any person or party interested therein, for the purchase or release of the rights of said parties to their riparian rights or interests of, in or to any section or portion of the river bed between the

dock lines herein established; and if the said common council shall reach an agreement with such riparian owners, or any of the parties interested therein, it is hereby given authority to make purchase of such rights and provide for compensation for the same in the manner herein provided in the event of it being compelled to take condemnation proceedings in the superior court of Grand Rapids.

CONDEMNATION OF LANDS—CITY TO COMMENCE SUIT IN SUPERIOR COURT.

SEC. 4. For the purpose of obtaining such right by and on the part of said city and for the purpose of depriving the riparian owners, and all other owners of rights, estates or land, of all rights or privileges which they may have to avail themselves of any advantage, privilege or right to build out into the river beyond such permanent dock, safety, sanitary or building lines herein established, or that may hereafter be established under and by virtue of the provisions of this act, and for the purpose or [of] securing the right and privilege on the part of the city of Grand Rapids of excavating in the bottom of Grand river at any point between the said dock lines, for the purpose of deepening the channel of said river, the said city of Grand Rapids may, as to all that portion of such lines situated between the north and south ends of the dock lines hereinbefore described, at any time after this act takes effect, institute and prosecute proceedings in the superior court of Grand Rapids for the purpose of taking such private property and obtaining said rights for the use or benefit of the public within the limitations of the constitution of this State, in the manner and form, except as herein otherwise provided, fixed by the statutes of the State for the taking of property for public use: Provided, That such action may at any time be taken after said act takes effect for such part or portion of said dock lines herein established as may be decided and determined by the common council of the city of Grand Rapids; and that thereafter when it shall be determined necessary to secure the rights of riparian owners at other points along said Grand river and within said dock lines, other and further proceedings may be taken by said city in the manner aforesaid for securing to the city the said rights and interests of riparian owners within such portion of such dock lines as the said city at such time may determine to be necessary.

Proviso.

PROSECUTION OF PROCEEDINGS.

SEC. 5. Such proceedings shall be commenced and prosecuted by the city in the superior court in accordance with the general statutes of the State for taking private property for the use and benefit of the public.

COMPENSATION TO OWNERS, ETC., FOR PROPERTY TAKEN—WHEN
DOCK LINES BECOME PERMANENTLY FIXED—CITY MAY
CONSTRUCT WALLS AND SEWERS.

SEC. 6. Within three months after the confirmation of the verdict of the jury, or after judgment of confirmation on appeal be affirmed, the common council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken, and rights condemned, as awarded by the jury, and shall in the resolution setting apart and providing said sum, if not already provided, direct the city treasurer to pay to the persons respectively entitled to the money so set apart and provided, to each his or her proportion, as ascertained and awarded by said verdict, and it shall be the duty of said city treasurer to securely hold said money in the treasury for the purpose of paying such awards, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand and not pay out the money for any other purpose whatever. The common council may provide the necessary amount by borrowing from the general or contingent fund and repay the same from money raised by taxation to pay the compensation awarded by the jury, when collected, or otherwise, as it may decide. Whenever the necessary sum is actually in the treasury for such purpose the said treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of the compensation awarded by the jury is actually in the treasury for the payment of the damages and compensation awarded in the case, giving the title of the case. He shall cause one of the certificates to be filed in the office of the clerk of said court and the other to be filed in the office of the city clerk; which certificates shall be prima facie evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid, the dock, safety, sanitary and building lines under and by virtue of such proceedings, or the right of the city if that shall be included in the proceedings to deepen the channel of Grand river between the dock lines aforesaid, shall become permanently fixed, and the said city of Grand Rapids shall have the power to cause to be constructed the masonry walls in this act provided for, or to deepen the channel of the bed of the said river between the said dock lines, in the manner in this act provided for; and the said city shall also have the power to construct and maintain public sewers as in this act provided, and from thence and thenceforth it shall be absolutely unlawful for any person or persons to construct any dock, wharf, building or structure of any kind extending over and beyond said lines, or to fill out in said river, or in any manner encroach upon said river beyond said lines so established and fixed by such proceedings, except as in this act and in the manner in this act

Treasurer
to make
duplicate
certificates.

Certificate
to be filed.

provided. In case of resistance or refusal on the part of anyone to the common council, the board of public works of said city, their agents or servants, entering upon and taking possession of such private property for the use and purpose for which it was taken at any time after the amount of compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the said common council by the said city attorney, may apply to the said superior court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.

FEEES FOR OFFICERS, JURORS AND WITNESSES.

SEC. 7. Officers, jurors and witnesses in any proceeding under this act shall be entitled to receive from the city the same fees and compensation as are provided by law for similar services in ordinary actions at law in the circuit courts of this State.

COSTS TO BE PAID FROM GENERAL FUND—ATTORNEY FEE.

SEC. 8. All expenses and costs of the proceedings to take and use private property under this act incurred by the city, shall be paid out of the general fund of said city, and it shall be lawful for the judge of said superior court in any case where he deems the circumstances justify it, to order the payment by the city to any respondent of such reasonable attorney fee as he may deem just, not exceeding twenty-five dollars, which may be taxed with the costs.

COMMON COUNCIL MAY DISCONTINUE PROCEEDINGS OR APPEAL.

SEC. 9. The common council shall have power to discontinue proceedings under this act after the rendition of the verdict of the jury upon the payment by the said city of the costs of said proceedings, or it may direct the city attorney to move for a new trial or to arrest the proceedings, or to take an appeal to the supreme court; and in any such case the same proceedings shall be taken as hereinbefore prescribed in the case of like proceedings on the part of any respondent, except that no bond shall be required nor shall the city be required to pay the clerk of said superior court any fees.

EVIDENCE OF OWNERSHIP OF LAND.

SEC. 10. It shall be prima facie evidence as to who are the owners and persons interested in any property proposed to be taken or affected in the proceedings instituted under this act, if the register or deputy register of deeds of the said county shall testify in open court that he has examined the records and titles in his office and states who such records show are the owners of and persons interested in such prop-

erty, and the nature and extent of such ownership and interest; and an abstract of title of such property or of any parcel or parcels thereof certified by said register or deputy register of deeds shall also be prima facie evidence as to the ownership and persons having interest in any such property, and the extent and nature of such interest.

BUILDING OF BRIDGES, ETC.

SEC. 11. After any such dock, safety, sanitary and building line shall have, as hereinbefore provided, or the right to deepen the river between the dock lines aforesaid, been established by judgment of confirmation of the verdict of the jury, or by affirmation in the supreme court of such judgment and the compensation, as hereinbefore provided, shall have been duly secured for the payments of the awards of the jury, or after such rights as hereinbefore provided, shall have been secured by written release and consent, it shall nevertheless be lawful and the said city shall have the right, subject to the provisions of section four of article eighteen of the constitution of this State, to erect and maintain bridges, public market places and public market bridges in, over and across the said river, beyond the lines so established; such bridges, market places and market bridges to be supported by stone or iron piers or upon iron columns and supports resting upon the river bed: *Provido.* Provided, That all such supporting piers and columns shall not create any greater obstruction to the waters of the river than the present piers of the present public bridges across the same in said city. *Further proviso.* And provided further, That all such supporting piers and columns shall be erected in parallel lines with the faces of the said piers of said public bridges, and shall also be in line as near as may be with each other, and shall in no case be less than forty feet apart east and west, and not less than that distance from the said walls and lines.

COUNCIL MAY REQUIRE ABUTTING PROPERTY OWNERS TO CONSTRUCT WALL.

SEC. 12. On either side of that portion of said river situate between a point one hundred feet below said dam across said river in said city and the said public bridge across said Fulton street in said city, the common council of said city, after the city has acquired, in the manner hereinbefore provided in this act, the right to maintain permanent lines, shall have the power and it shall be the duty of said city to require the owner or occupant of any lot, land or premises adjoining and bordering on said river between said point below said dam and said Fulton street bridge, to construct, build and maintain a suitable stone wall on and along said dock, safety, sanitary and building lines on both sides of the river, be-

Plans and
specifications.

Proviso.

tween said points; such walls to be constructed under the direction and supervision of the said board of public works, and in accordance with the plans and specifications to be by said board first prepared and approved. And said plans and specifications shall be prepared and approved by said board of public works and filed for public inspection in the office of the engineer of said board within six months after said city has acquired the right to maintain the said permanent lines as aforesaid: Provided, however, That no part of said wall shall be required to be built before May one, nineteen hundred six, nor shall a wall more than four feet in height be required to be built during the first year, and thereafter said wall shall be raised in height as may be required by the board of public works, as it shall deem necessary, until it shall be built to the height called for in said plans and specifications. Every such owner and occupant shall be required at his own expense to so construct such wall or walls, from time to time, on said line, in front of or adjoining his lands or premises facing or bordering on the river, and to maintain the same in good order and repair at his own expense. After said plans and specifications have been prepared, approved and filed, any owner or occupant may of his own volition, without waiting for any order or direction from the public authorities, construct the whole or any part of said wall in front of or adjoining his lands or premises in accordance with said plans and specifications.

NOTICE TO BE SERVED ON OWNERS TO BUILD WALL.

SEC. 13. Before any such owner or occupant shall be required to construct and maintain any such stone wall, he shall first be notified in writing so to do, in accordance with the plans and specifications theretofore adopted by the board of public works, by notice to be served in the manner hereinafter provided, at least thirty days before he shall be required to commence such construction.

NOTICE—WHAT TO SPECIFY—DUTY OF COUNCIL IF OWNER NEGLECTS OR REFUSES TO BUILD WALL.

SEC. 14. Such notice may be written or printed or partly written and partly printed, and shall specify therein, as near as may be, the location of the portion of the wall to be constructed, the length thereof and the height and thickness and slope thereof, and shall further specify as near as may be, the material and manner and method in which the same is to be constructed, all of which shall be in accordance with the plans and specifications adopted by said board on file for public inspection in the office of the engineer of said board, and the time within which such walls or portions are to be fully completed. Such notice before the issuing thereof shall be first approved by the board of public works and signed

by the president and countersigned by the clerk of said board, and shall be personally served upon such respective owners or occupants by the marshal or deputy marshal of said city, within such time as the said board shall fix. If the premises be occupied and the owner be a non-resident of the city, the said marshal may serve said notice by posting up the same in a conspicuous place on the premises and by printing a copy thereof at least once in each week for four consecutive weeks in some official daily paper published in Grand Rapids; and in case the said owner or occupant be absent from said premises, said notice may be served by leaving a copy of the same at his or her usual or last place of abode with some person of suitable age and discretion. If any such owner or occupant shall neglect or refuse to construct such wall or portions thereof, within the time, said board shall in such notice prescribe, it shall be lawful and it shall be the duty of the common council of said city to cause the same to be done under the direction and supervision of said board of public works and according to said plans and specifications, at the expense of said city, an accurate account of the expense thereof shall be kept by the said board of public works, and return made to the city clerk, which said account shall be certified by the engineer of said board to be correct and filed in the office of the city clerk within ten days after said work shall be done. Said account, so certified by said engineer, shall contain a description of each parcel of real estate adjoining which said wall was built, and the expense thereof, and also the name of the owner or occupant of each parcel of said real estate, if known, and if not known, such fact shall be so stated in said account. The expense to which any tenant or occupant may be thus subjected may be collected by him from the owner of the premises, unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms or nature of the agreement under which he holds his premises.

Neglect or
refusal to
construct wall.

ASSESSMENT FOR MONEYS PAID FOR BUILDING WALL, ETC.

SEC. 15. And it shall be lawful for the common council of said city, and it shall be its duty, to direct by resolution that the board of assessors who are by this act constituted commissioners to make such assessment upon all owners or occupants of said abutting lands, who shall have neglected or refused to construct such part of the wall or walls as directed, for the amount of the expenses which the city was necessarily put to in the building of such wall or walls or parts thereof in front of such abutting parcels of lands on account of such default. And it shall be the duty of such commissioners to assess such amount or amounts upon such parcels of lands, but the same shall not be done until after notice to the owner or occupants who shall have a right to be heard, and also the right to appeal to the common council.

Right to ap-
peal to com-
mon council.

Such notice, assessments and proceedings shall be in accordance with and under the provisions of Title VI of this charter, as near as may be, which relate to assessments for street and public improvements. After such assessments are thus made, the amounts thereof shall then become a lien upon all such parcels of land. Such lien or liens may be enforced by a sale of such lands under and in accordance with said provisions, or by suit in equity in the name of the city, to be by it begun and prosecuted to final decree in said superior court in accordance with the usual practice in chancery.

RIGHTS OF CITY TO INGRESS, EGRESS, AND REGRESS OVER LANDS,
AND TO CONSTRUCT SEWERS THEREIN—CITY TO HAVE
RIGHT TO CLEAN OR DEEPEN RIVER BED.

SEC. 16. After the said city shall have in the manner hereinbefore provided, obtained the right to maintain such permanent lines, and simultaneous with the construction of such stone walls along such lines, and to deepen the river bed between said dock lines, it shall have the right, power and authority of ingress, egress or regress over the lands of the adjacent owners or occupants adjoining or bordering upon said lines for the purpose of constructing and maintaining public sewers therein between the wall and the present banks of the river, such sewers to be constructed simultaneously, as near as may be, with the construction of such stone walls: Provided, however, That on the east side of said Grand river such right to construct such sewers shall not be exercised north of the north line of Lyon street, a public street in said city: And provided further, That on the west side of said river such power shall not be exercised north of the south line of the Grand Rapids and Indiana railroad bridge across said river in said city. The ordering of the construction of the said sewers and the construction thereof shall be under the direction of the common council of said city and the board of public works thereof, in the same manner, as near as may be, as is now or hereafter may be provided for the construction of public sewers in said city; and after any such sewer or sewers shall have been constructed the said city shall have all reasonable right of ingress, egress and regress over the premises of private parties through whose property such sewers run, for the purposes of keeping the same in suitable order and repair; and the said city shall also have the power and authority at all times to keep such river within the corporate limits of said city, and the river bed within said corporate limits, clean and unobstructed for the purpose of promoting the safety and health of said city and the inhabitants thereof; and shall have power and authority within the dock lines established as aforesaid to deepen the river channel or occupy or use the river bed in such manner as may be deemed to be conducive to the best interests of the city of Grand Rapids.

Proviso.

Further
proviso.

**BOARD OF PUBLIC WORKS—POWER TO ESTABLISH DOCK, ETC.,
LINES.**

SEC. 17. Power and authority is hereby conferred on the board of public works of the city of Grand Rapids, by and with the concurrence of the common council, to establish dock, safety, sanitary and building lines on the shores and margin of Grand river within the corporate limits thereof and in the waters and on the bed of said river along said shores and margin southward from the said north line of said Fulton street bridge to the south boundaries of the city as they now are or hereafter may be established, and to build or cause to be built walls, docks or revetments thereon under and in accordance with the provisions of this act; and north from the center line of the Detroit, Grand Haven and Milwaukee Railway Company's bridge across Grand river northward to the north limits of said city; which said future lines, when established, either north of the lines specifically fixed in this act or south of the lines specifically fixed in this act, shall be parallel as near as may be: Providso. Provided, however, That before said board of public works shall establish such future line or lines, either north or south of the lines fixed in this act, they shall give public notice thereof by publication of their intention so to do in at least two of the daily papers of said city, for a period of at least thirty days prior to the establishment of any such line or lines. And all parties interested in the establishment of any such future line or lines shall have a reasonable opportunity to be heard before said board prior to the adoption thereof by said board: Further
provisio. And provided further, That such future line or lines shall become permanently established, proceedings shall be taken in the manner in this act provided for the taking of private property necessitated by the establishment of such lines, and the condemning of the private rights that would necessarily be condemned in the establishment of such lines. And after such proceedings shall have been had in the manner in this act provided, such lines shall become permanently fixed as the dock, safety, sanitary and building lines, north or south, as the case may be, of the lines specifically fixed by this act.

**COMMON COUNCIL TO ENFORCE POWERS GRANTED BY THIS ACT BY
ORDINANCES.**

SEC. 18. The common council of said city is hereby authorized and empowered to enforce the powers hereby granted relating to the establishment of dock, safety, sanitary and building lines, by ordinances duly enacted in that regard, and may impose appropriate penalties for that purpose within the limits prescribed by the charter of said city or the provisions of this act or the ordinances and regulations of the said common council and said board of public works in relation thereto, may be enforced at the suit of said city by

a bill in equity in the said superior court of Grand Rapids.

GENERAL REPEALING CLAUSE OF CHARTER.

Sec. 19. All acts or parts of acts so far as the same are inconsistent with the provisions of this act, and especially the act to revise the charter of the city of Grand Rapids, approved March twenty-fifth, eighteen hundred ninety-seven, and the acts amendatory thereof, are hereby repealed: Provided, however, That all rights, interests, proceedings or actions preserved by the express language of any part or portion of this charter shall not be modified or in any manner affected by this repealing provision, and: Provided, That the act of the legislature for the year nineteen hundred five, approved April twenty-fifth, nineteen hundred five, repealing the charter of the Grand Rapids Hydraulic Company, or any of its provisions shall not be affected by this repealing clause; and provided that the act of the legislature for the year eighteen hundred ninety-seven, approved April twenty-four, to authorize said city to issue its bonds for the improvement of Grand river, and the so-called superior court act approved March twenty-four, eighteen hundred seventy-five, and the amendments thereof shall not be affected by this repealing clause.

Proviso.

Proviso.

This act is ordered to take effect September one, nineteen hundred five.

Approved June 6, 1905.

[No. 594.]

AN ACT to incorporate the public schools of Iron River, in Iron county, and to provide for the compulsory education of children in said public schools, and for the punishment of truancy, and to repeal all acts or parts of acts conflicting with the provisions of the same.

The People of the State of Michigan enact:

Territory described.

SECTION 1. That all the territory situate and being in the township of Iron River or that hereafter may be added to the said township of Iron River, in the county of Iron, shall constitute a single school district, to be known in law under the name and style of the "Public Schools of Iron River."

May sue and be sued.

SEC. 2. The school district hereby created, may sue and be sued by its corporate name in any courts of this State having jurisdiction of the subject matter, and service may be made upon the president or treasurer of the board of education.

SEC. 3. The said school district shall be subject to the general laws of this State, so far as the same may be applicable, and shall have all the powers and privileges conferred upon primary and graded school districts by the laws of this State, all the general provisions of which shall apply and be enforced in said school district, except such as shall be inconsistent with the provisions of this act; and all schools organized in said district in pursuance of this act shall be public and free to all persons actual residents within the limits thereof five years of age and over, and to such other persons as the board of education thereof, hereinafter provided for, shall admit.

School district, powers of, etc.

Schools, to whom free, etc.

SEC. 4. The officers of said district shall consist of a president, secretary and six trustees who shall constitute the board of education of said district.

Board of education, officers of.

SEC. 5. The term of office of the president and the secretary shall be one year, and of each of the trustees three years, which terms shall commence on the first Monday of August in each year succeeding the annual election in said district.

Term of office.

SEC. 6. The president and trustees shall be chosen by ballot by the qualified electors of said district at the annual election of said district.

How elected.

SEC. 7. The trustees shall on the first Monday of August, or as soon thereafter as may be, in each year choose by resolution or ballot some person not of their number, suitably qualified for the office, to be secretary of said board of education for the ensuing year or until his successor is appointed and qualified, and also choose a treasurer of said district.

To elect secretary and treasurer.

SEC. 8. The president, secretary, treasurer and trustees shall each within fifteen days after their election or appointment take and file with the secretary of said board of education the constitutional oath of office. And the secretary of said board shall within ten days after his appointment, and before entering upon the duties of his office as such secretary, execute and deliver to the board of education, a bond in the penal sum of five hundred dollars, with sufficient sureties to be approved by said board, conditioned for the faithful, careful and accurate discharge of his duties as such secretary, and that he will deliver over to his successor in office all books, papers and documents that may be in his possession or custody belonging to said district. And the treasurer of said board shall within thirty days after his appointment, and before entering upon his duties as such treasurer, execute and deliver to the board of education, a bond in at least double the amount of money that will come into his hands as such treasurer, with sufficient sureties or surety to be approved by said board, conditioned for the faithful discharge of his duties as such treasurer, and that he will well and truly account for and pay over to the persons entitled thereto, all moneys that may come into his hands as such treasurer; and in case of death or removal of any of the sureties named in either or both of said bonds, or when the

Oath of office.

Secretary to file bond.

Treasurer to file bond.

Death or removal of sureties.

Bonds, where deposited.

said board shall deem the sureties therein insufficient, they shall require a new or additional bond of such secretary or treasurer. The bond of the secretary, when approved by said board, shall be deposited with the treasurer of said district, and the bond of the treasurer when approved by the board shall be deposited with the secretary of said board. No person shall be eligible to the office of president or trustee unless he shall be a resident of and taxpayer within said district.

Secretary to have no vote.

SEC. 9. The secretary of said board of education shall not have any vote in the transaction of any business before said board of education, and the president of said board of education shall have a vote only when there is a tie vote.

President pro tempore.

SEC. 10. In the absence of the president at any meeting of the board of education, a majority of the members present may choose one of their number to act as president pro tempore, who shall have authority to sign all orders for bills allowed at such meeting.

Quorum, what constitutes.

SEC. 11. A majority of the trustees elected shall constitute a quorum for the transaction of business, and all questions which shall arise at their meetings shall be determined by the votes of a majority of the trustees elect, but any two thereof may adjourn any meeting from time to time until a quorum shall be present. The regular meetings of the board shall be held on the first Tuesday of each month and no notice of any regular meeting shall be required: Provided, That the board may by resolution fix different times for holding the regular meetings thereof. Special meetings of the board may be called at any time on the written request of the president or any two trustees thereof to the secretary of the board, which request shall specify the time, place and general purpose of such proposed meeting, and the secretary upon receiving the same, shall forthwith give written notice thereof accordingly to the president and each trustee personally or by leaving such notice at his place of residence at least twenty-four hours before the meeting.

Meetings, when held.

Proviso.

Special meetings.

Notice of.

Meetings, where held, etc.

SEC. 12. All the meetings of the board of education shall be held in the assembly hall of the school house number one. They shall sit with open doors and all persons may attend their meetings.

Secretary, duties of, etc.

SEC. 13. The secretary shall keep a faithful record of all proceedings of the board and also keep a true and accurate account of the financial condition of the district and of the accounts between the district and its treasurer and between the treasurer of the district and the treasurer of the township of Iron River. It shall also be the duty of the secretary to take the census of the district at the time and in the manner required by the general school laws of the State. And he shall also perform such other duties as the board of education may, from time to time, assign to or require of him, and in general he shall have the same powers and perform the same duties as conferred on the director of school districts by the general laws of the State.

Census.

SEC. 14. The treasurer shall have the same powers and duties as those conferred upon and required of the assessor of school districts, by the general school laws of the State. Whenever any moneys are paid to him, he shall issue duplicate receipts or vouchers, one of which he shall deliver to the person paying him the money, the other he shall file forthwith with the secretary of the board of education. The treasurer shall, on the first day of each month, make a report in writing to the board of education, showing the amount of money on hand at the date of the last report; the amount of money received by him and from what sources since last report; the amount of money paid out since last report and for what purposes and the balance on hand at the close of the preceding month.

Treasurer,
powers and
duties of.

To report
monthly to
board.

SEC. 15. The board of education shall have power and authority to borrow money to defray the necessary expenses of the schools of said district until the taxes levied for the then current year shall have been collected and paid over to the treasurer of said board; to provide and pay for the transportation of pupils to and from school; and to do and perform any other thing or act that can or may be done or performed by any of the school boards and board of school inspectors of the State in pursuance of any of the general school laws thereof; and shall have all the powers conferred upon the qualified voters of any school district at any annual or special meeting under and in pursuance of the general school laws of the State except to bond the said district. The board of education shall also have power to unite with any adjoining school districts or district in the employment of a superintendent, teacher or teachers of schools.

Board may
borrow
money, etc.

SEC. 16. The board of education shall, on or before the first Monday of September in each year, make an estimate of the amount of money deemed necessary to be raised by taxation for the ensuing year for all purposes of expenditure, within the powers of said board, which estimate shall specify as near as may be the amounts required to be raised for the different purposes, and such estimate, with the total amount thereof, shall be entered at length in the record of the proceedings of the board, and the secretary of said board shall, within twenty days thereafter, make a written statement of the total amount to the supervisor of said township of Iron River who shall spread said total amount upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as primary school district taxes are levied, collected and returned under the general school laws of the State.

Estimate of
money to be
raised.

Supervisor
to spread on
tax roll.

SEC. 17. The board of registration for said school district shall consist of the president, the treasurer and the secretary of the board of education.

Registration
board.

SEC. 18. It shall be the duty of the board of registration to provide, at the expense of such school district, a suitable book to be known as the "Register of Electors" so made and

Duties of.

arranged as to be capable of containing an alphabetical list of the respective christian and surnames in full of all persons entitled to vote at the meetings of said school district, the date of registration of each such person, and the locality of his residence.

Qualified electors.

SEC. 19. Any inhabitant of the school district hereby created, qualified to vote at a school meeting under the general school laws of this State, shall be a qualified elector at any election held under this act: Provided, however, No person shall be qualified to vote upon any question involving the raising of money, or the issuing of bonds, unless he be the owner of property, within the district, liable to taxation.

Registration board, meetings of.

SEC. 20. On the Saturday next preceding an annual meeting or any special meeting of said school district, and on such other days as shall be appointed therefor by the board of education, not exceeding three days in all, previous to any such meeting, the board or boards of registration shall be in session at such place or places in said school district as shall be designated therefor as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the list of the qualified electors of said school district; during which session, it shall be the right of every person who, at the next approaching meeting of said school district, may be a qualified elector of said school district, and whose name is not already registered as a qualified elector of said school district, to have his name entered in the register of electors as a qualified elector of said school district.

Registration of names.

Place of meeting.

SEC. 21. At least two weeks previous to the commencement of any session of the board or boards of registration, the board of education shall fix the place or places in said school district where the board of registration shall meet, and, at least eight days before said session of the board of registration, the secretary of the board of education shall give notice by hand bills posted in ten public places in said school district, and by publication in one or more newspapers printed in said school district, at the time and place when and where the boards or board of registration will meet. Except as in this act otherwise provided, the general laws of this State relating to the registration of electors in townships shall apply to the registration of electors in said school district.

Notice of.

Annual meetings, when held.

SEC. 22. The annual meeting of said school district for the election of officers and the transaction of other business pertaining to said district, shall be held on the second Monday in July in each year, and at such places in said district as the board of education shall, by resolution, designate. The first annual meeting, under the provisions of this act, shall be held on the second Monday of July, one thousand nine hundred five, at which meeting the electors present shall elect, by ballot a president, two trustees, for the term of three years each, in place of the trustees whose term of office

Officers to be elected.

expire on said day according to act number three hundred sixty-three of the local acts of eighteen hundred ninety-three of the State of Michigan, and until their successors shall have been elected and qualified; and annually thereafter at the annual school meeting the electors shall elect trustees in the places of those whose term shall expire at the time of said meeting, the regular term of office being three years: Term of office. Proviso. Provided further, That the board of education of the public schools of Iron River, as existing at the time this act shall take effect, shall continue as the board of education of the school district hereby incorporated, until the first Monday of August, in the year nineteen hundred five, and until a board of education shall have been duly constituted and organized as provided by this act, and shall have all the powers, duties and privileges vested by the provisions of this act in the board of education of such school district hereby incorporated. The said two trustees elected on the said second Monday in July, nineteen hundred five, together with the remaining trustees of the public schools of Iron River, as now existing whose terms of office do not expire, shall become the board of education of said public schools of Iron River on the first Monday of August, nineteen hundred five, and shall organize the board as provided in this act. Board, who to constitute.

SEC. 23. Special meetings of said school district may be appointed by resolution of the board of education at such times and places in said district as such board shall designate, and the general purpose of any such special meeting shall be set forth in the resolution appointing such meeting. Special meetings, time and place of.

SEC. 24. Notice of the time and place of holding any annual or special meeting of said school district, and of the officers to be elected and the questions to be voted upon by ballot, shall be given by the secretary of the board of education at least ten days before such meeting, by posting such notices in ten public places in said school district, and by publishing such notice in one or more newspapers printed in such district. Notice of meetings.

SEC. 25. The polls at all elections held in said district under this act, shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall remain open until five o'clock in the afternoon and no longer, but the inspectors of the election may, in their discretion, adjourn the polls for one hour at noon. The president, secretary and treasurer of said board shall constitute the inspectors of election, and in case either of them shall refuse or neglect to attend at the opening of the polls, the qualified electors present may elect as many inspectors as shall be necessary to constitute a board of three members, and any person so elected shall, upon taking the oath of office, have all the powers and perform all the duties of an inspector of election. As soon as the polls are closed the ballot box shall be opened and the votes publicly canvassed, and the result Polls, when open, etc. Inspectors, who to constitute. Canvass of votes, etc.

Statement
filed with
secretary.

announced before an adjournment shall be had. Upon the completion of such canvass the inspectors, or a majority of them, shall make a statement in writing setting forth the result of such election, which statement shall be filed with the secretary of the board of education within twenty-four hours after such canvass.

Election
precincts.

SEC. 26. The board of education may, in their discretion, divide said township into two or more election precincts and appoint a board of three inspectors of election and registration for each of said precincts: Provided, That the president, secretary and treasurer shall be the inspectors of precinct number one, to which precinct all the other precincts shall make their returns in the same manner as is required by law at township elections. Any person, except the secretary, acting as inspector of any election, shall receive one dollar fifty cents for all his services at such election.

Proviso.

Inspectors,
compensation
of.

Borrow money
and issue
bonds.

SEC. 27. The said school district may borrow money on the credit of said district, and issue its bonds therefor, to pay for school house sites and to erect and furnish school houses.

Election, when
held, etc.

SEC. 28. Whenever the board of education shall, by resolution, declare that it is expedient for said district to borrow any sum of money for the purposes, or any of the purposes, mentioned in the next preceding section of this act, it may order the question of borrowing the same, and issuing the bonds of said district therefor, to be submitted to the qualified electors at any annual meeting of said district, or at any special meeting thereof called for that purpose; and if a majority of the qualified electors voting on such question at such meeting shall vote in favor of borrowing such sum of money and issuing the bonds of the school district therefor, the board may thereupon borrow the same, and may issue the bonds of the said district therefor. Which bonds shall be in such form and denomination, bear such rate of interest, not exceeding five per centum per annum, mature at such time or times, not exceeding thirty years from the time of their issue, and contain such other terms, conditions and limitations as the said board shall by resolution determine: Provided, The amount so borrowed shall not exceed six per centum of the assessed valuation of the taxable real and personal property of said district as shown by the then last preceding tax rolls: And provided further, That none of the bonds of said school district shall be disposed of for less than their par value.

Issue bonds.

Proviso.

Further
proviso.

Ballots.

SEC. 29. The vote at any annual or special meeting of said school district upon the question of borrowing money and issuing bonds of said district therefor, shall be by ballot, and all the proceedings pertaining thereto shall be conducted, as nearly as may be, in accordance with the provisions of law governing the election of school district officers. The form of ballot to be used for the purpose aforesaid, may be as follows:

Form of.

OFFICIAL BALLOT.

(Instructions)—Indicate your vote upon the question submitted by a cross(X) in the square opposite the word "Yes," or in the square opposite the word "No." Before leaving the booth, fold the ballot so that the initials may be seen on the outside.

.....
 For borrowing dollars for school district purposes and issuing bonds of the school district therefor.

Yes. ()

No. ()

.....
 SEC. 30. The board of education shall annually, prior to the first day of July in each year make a detailed written statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which statement shall be entered at length in the record of said board, and shall be publicly read by the president of the board, or, in his absence, by the secretary thereof, to the electors at the annual meeting of said school district at the hour of one o'clock in the afternoon and also published in a newspaper published in said district. Board to make annual report, etc.

SEC. 31. All property, money and effects of the "Public Schools of Iron River" and any school district or districts in any territory that may have been or may be attached to the said township of Iron River shall become the property of the school district hereby created, and the district hereby created shall become liable for and pay all the indebtedness of each of said several school districts. District property, etc.

SEC. 32. The board of education shall have power to create and appoint such officers and employes not herein otherwise provided for as it may deem necessary and expedient for transacting the business of such school district, and may prescribe their duties and compensation. Board may appoint officers.

SEC. 33. The board of education shall have power and authority to hire and contract only with teachers having one or both of the following certificates of qualifications: State life certificate, normal life diploma, diploma of State university or other college or university of equal standing qualified to teach in this State: Provided, That this section shall not apply to the rural schools of said district, and to the teachers now engaged for teaching in any of the schools in the territory incorporated in said district. Teachers to have certificate, etc.

SEC. 34. It shall be the duty of the board of education to provide a lecture course of at least two lectures each year. The lectures shall be delivered in the assembly hall of the school house number one and shall be free to all residents of said district. Lecture course.

Compensation
of secretary.

SEC. 35. The secretary of the board of education shall receive such compensation for all services as said board of education shall deem proper, but not to exceed one hundred dollars and no other member of the board of education shall receive any compensation for his services as such.

Certain act
to apply.

SEC. 36. The provisions of act number eighty-three of the public acts of nineteen hundred one, entitled, "An act to amend sections one, two, three and six, and to repeal section seven, of act number ninety-five of the general laws of eighteen hundred eighty-five, entitled 'An act to provide for the compulsory education of children, for the punishment of truancy, and to repeal all acts or parts of acts conflicting with the provisions of the same,' being sections four thousand eight hundred forty-seven, four thousand eight hundred forty-eight, four thousand eight hundred forty-nine, four thousand eight hundred fifty-two and four thousand eight hundred fifty-three of the compiled laws of eighteen hundred ninety-seven," or any amendment to said act applying to cities having a duly constituted police force shall apply and be in force in said school district.

Offices
abolished.

SEC. 37. The offices of the school inspectors of the township of Iron River are hereby abolished, and the powers and duties thereof are hereby conferred upon the board of education of the said township hereby created, who are hereby constituted the board of school inspectors of the said township.

Act
repealed.

SEC. 38. Act number three hundred sixty-three of the local acts of eighteen hundred ninety-three, entitled "An act to incorporate the public schools of Iron River in Iron county" is hereby repealed.

This act is ordered to take immediate effect.

Approved June 6, 1905.

[No. 595.]

AN ACT to incorporate the public schools of Stambaugh, in Iron county, and to provide for the compulsory education of children in said public schools, and for the punishment of truancy, and to repeal all acts or parts of acts conflicting with the provisions of the same.

The People of the State of Michigan enact:

Territory
described.

SECTION 1. That all the territory situate and being in the township of Stambaugh or that hereafter may be added to the said township of Stambaugh, in the county of Iron, shall constitute a single school district, to be known in law under the name and style of the "Public Schools of Stambaugh."

SEC. 2. The school district hereby created, may sue and be sued by its corporate name in any of the courts of this State having jurisdiction of the subject matter, and service may be made upon the president or treasurer of the board of education.

May sue and be sued.

SEC. 3. The said school district shall be subject to the general laws of this State, so far as the same may be applicable, and shall have all the powers and privileges conferred upon primary and graded school districts by the laws of this State, all the general provisions of which shall apply and be enforced in said school district except such as shall be inconsistent with the provisions of this act; and all schools organized in said district in pursuance of this act shall be public and free to all persons actual residents within the limits thereof five years of age and over, and to such other persons as the board of education thereof, hereinafter provided for, shall admit.

School district, powers of, etc.

Schools, to whom free, etc.

SEC. 4. The officers of said district shall consist of a president, secretary and six trustees, who shall constitute the board of education of said district.

Board of education, officers of.

SEC. 5. The term of office of the president and the secretary shall be one year, and of each of the trustees three years, which terms shall commence on the first Monday of August in each year succeeding the general election in said district.

Term of office.

SEC. 6. The president and trustees shall be chosen by ballot by the qualified electors of said district at the annual election of said district.

How elected.

SEC. 7. The trustees shall on the first Monday of August, or as soon thereafter as may be, in each year, choose by resolution or ballot some person, suitably qualified for the office to be secretary of said board of education for the ensuing year or until his successor is appointed and qualified, and also choose a treasurer of said district.

To elect secretary and treasurer.

SEC. 8. The president, secretary and trustees shall each within fifteen days after their election or appointment, take and file with the secretary of said board of education the constitutional oath of office. And the secretary of said board shall within ten days after his appointment, and before entering upon the duties of his office as such secretary, execute and deliver to the board of education, a bond in the penal sum of five hundred dollars, with sufficient sureties to be approved by said board, conditioned for the faithful, careful and accurate discharge of his duties as such secretary, and that he will deliver over to his successor in office all books, papers and documents that may be in his possession or custody belonging to said district. And the treasurer of said district shall within thirty days after his appointment, and before entering upon his duties as such treasurer, execute and deliver to the board of education, a bond in at least double the amount of money that will come into his hands as such treasurer, with sufficient sureties to be approved

Oath of office.

Secretary to file bond.

Treasurer to file bond.

Death or removal of sureties.

Bonds, where deposited.

Secretary to have no vote.

President to vote in case of tie.

President pro tempore.

Quorum, what constitutes.

Meetings, when held.

Proviso.

Special meetings.

Notice of.

Meetings, where held, etc.

Secretary, duties of, etc.

Census.

by said board, conditioned for the faithful discharge of his duties as such treasurer, and that he will well and truly account for and pay over to the persons entitled thereto, all moneys that may come into his hands as such treasurer; and in case of death or removal of any of the sureties named in either or both of said bonds, or when the board shall deem the sureties therein insufficient, they shall require a new or additional bond of such secretary or treasurer. The bond of the secretary, when approved by said board, shall be deposited with the treasurer of said district, and the bond of the treasurer, when approved by the board, shall be deposited with the clerk of said board. No person shall be eligible to the office of president or trustee unless he shall be a resident of and taxpayer within said district.

SEC. 9. The secretary of said board of education as secretary shall not have any vote in the transaction of any business before said board of education, and the president of said board of education shall have a vote only when there is a tie vote.

SEC. 10. In the absence of the president at any meeting of the board of education, a majority of the members present may choose one of their number to act as president pro tempore, who shall have authority to sign all orders for bills allowed at such meeting.

SEC. 11. A majority of the trustees elected, shall constitute a quorum for the transaction of business, and all questions which shall arise at their meetings shall be determined by the votes of a majority of the trustees present, but any two thereof may adjourn any meeting from time to time until a quorum shall be present. The regular meetings of the board shall be held on the first Tuesday of each month and no notice of any regular meeting shall be required: Provided, That the board may by resolution fix different times for holding the regular meetings thereof. Special meetings of the board may be called at any time on the written request of the president or any two trustees thereof to the secretary of the board, which request shall specify the time, place and general purpose of such proposed meeting, and the secretary upon receiving the same, shall forthwith give written notice thereof accordingly to the president and each trustee personally or by leaving such notice at his place of residence at least twenty-four hours before the meeting.

SEC. 12. All the meetings of the board of education shall be held in schoolhouse number one. They shall sit with open doors and all persons may attend their meetings.

SEC. 13. The secretary shall keep a faithful record of all proceedings of the board and also keep a true and accurate account of the financial condition of the district and of the accounts between the district and its treasurer and between the treasurer of the district and the treasurer of the township of Stambaugh. It shall also be the duty of the secretary to take the census of the district at the time and in

the manner required by the general school laws of the State. And he shall also perform such other duties as the board of education may from time to time assign to or require of him, and in general he shall have the same powers and perform the same duties as are conferred on the director of school districts by the general laws of the State.

SEC. 14. The treasurer shall have the same powers and duties as those conferred upon and required of the assessor of school districts, by the general school laws of the State. Whenever any moneys are paid to him, he shall issue duplicate receipts or vouchers, one of which he shall deliver to the person paying him the money, the other he shall file forthwith with the secretary of the board of education. The treasurer shall on the first day of each month make a report in writing to the board of education, showing the amount of money on hand at the date of the last report; the amount of money received by him and from what sources since last report; the amount of money paid out since last report and for what purposes and the balance on hand at the close of the preceding month.

Treasurer,
powers and
duties of.

To report
monthly to
board.

SEC. 15. The board of education shall have power and authority to borrow money to defray the necessary expenses of the schools of said district until the taxes levied for the then current year shall have been collected and paid over to the treasurer of said board; to provide and pay for the transportation of pupils to and from school; and to do and perform any other thing or act that can or may be done or performed by any of the school boards and boards of inspectors of the State in pursuance of any of the general school laws thereof; and shall have all the powers conferred upon the qualified voters of any school district at any special or annual meeting under and in pursuance of the general school laws of the State, except to bond the district. The board of education shall also have power to unite with any adjoining school districts or district in the employment of a superintendent, teacher or teachers of schools.

Board may
borrow money,
etc.

SEC. 16. The board of education shall, on or before the first Monday of September in each year, make an estimate of the amount of money deemed necessary to be raised by taxation for the ensuing year for all purposes of expenditure, within the powers of said board, which estimate shall specify as near as may be the amounts required to be raised for the different purposes, and such estimate with the total amount thereof shall be entered at length in the record of the proceedings of the board, and the secretary of said board shall, within twenty days thereafter, make a written statement of the total amount to the supervisor of said township of Stambaugh, who shall spread said total amount upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as primary school district taxes are levied, collected and returned under the general school laws of the State.

Estimate of
money to be
raised.

Supervisor to
spread on
tax roll.

Board of
registration.

SEC. 17. The board of registration for said school district shall consist of the president, the treasurer and the secretary of the board of education.

Duties of.

SEC. 18. It shall be the duty of the board of registration to provide, at the expense of such school district, a suitable book to be known as the "Register of Electors," so made and arranged as to be capable of containing an alphabetical list of the respective christian and surnames in full of all persons entitled to vote at the meetings of said school district, the date of registration of each such person, and the locality of his residence.

Qualified
electors.

SEC. 19. Any inhabitant of the school district hereby created, qualified to vote at a school meeting under the general school laws of this State, shall be a qualified elector at any election held under this act: Provided, however, No person shall be qualified to vote upon any question involving the raising of money, or the issuing of bonds, unless he be the owner of property, within the district, liable to taxation.

Proviso.

Registration
board, meet-
ings of.

SEC. 20. On the Saturday next preceding an annual meeting or special meeting, of said school district, and on such other days as shall be appointed therefor by the board of education, not exceeding three days in all, previous to any such meeting, the board or boards of registration shall be in session at such place or places in said school district as shall be designated therefor as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the list of the qualified electors of said school district; during which session, it shall be the right of every person who, at the next approaching meeting of said school district, may be a qualified elector of said school district, and whose name is not already registered as a qualified elector of said school district, to have his name entered in the register of electors as a qualified elector of said school district.

Registration
of names.

Place of
meeting.

SEC. 21. At least two weeks previous to the commencement of any session of the board or boards of registration, the board of education shall fix the place or places in said school district where the board of registration shall meet, and, at least eight days before said session of the board of registration, the secretary of the board of education shall give notice by hand bills posted in ten public places in said school district, and by publication in one or more newspapers printed in said school district, of the time and place when and where the boards or board of registration will meet, except as in this act otherwise provided, the general laws of this State relating to the registration of electors in townships shall apply to the registration of electors in said school district.

Notice of.

Annual
meetings,
when held.

SEC. 22. The annual meeting of said school district for the election of officers and the transaction of other business pertaining to said district, shall be held on the second Monday in July in each year, and at such places in said district

as the board of education shall by resolution designate. The first annual meeting, under the provisions of this act, shall be held on the second Monday of July, one thousand nine hundred five, at which meeting the electors present shall elect, by ballot, a president, two trustees whose term of office expire on said day according to act number three hundred sixty-three of the local acts of eighteen hundred ninety-three of the State of Michigan, and until their successors shall have been elected and qualified; and annually thereafter at the annual school meeting the electors shall elect trustees in the places of those whose term shall expire at the time of said meeting, the regular term of office being three years: Officers to be elected. Provided further, That the board of education of the public schools of Stambaugh, as existing at the time this act shall take effect, shall continue as the board of education of the school district hereby incorporated, until the first Monday of August, in the year one thousand nine hundred five, and until a board of education shall have been duly constituted and organized as provided by this act, and shall have all powers, duties and privileges vested by the provisions of this act in the board of education of such school district hereby incorporated. Term of office. Proviso. The said president and trustees elected on said second Monday in July, one thousand nine hundred five together with the remaining trustees of the public schools of Stambaugh as now existing, shall become the board of education of the said public schools of Stambaugh on the first Monday of August, one thousand nine hundred five and shall organize the board as provided in this act. Board, who to constitute.

SEC. 23. Special meetings of said school district may be appointed by resolution of the board of education at such times and places in said district as such board shall designate, and the general purpose of any such special meeting shall be set forth in the resolution appointing such meeting. Special meetings, time and place of.

SEC. 24. Notice of the time and place of holding any annual or special meeting of said school district, and of the officers to be elected and the questions to be voted upon by ballot, shall be given by the secretary of the board of education at least ten days before such meeting, by posting such notices in ten public places in said school district, and by publishing such notices in one or more newspapers printed in such district. Notice of meetings.

SEC. 25. The polls at all elections held in said district under this act, shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall remain open until five o'clock in the afternoon and no longer, but the inspectors of the election may, in their discretion, adjourn the polls for one hour at noon. The president, secretary and treasurer of said board shall constitute the inspectors of election, and in case either of them shall refuse or neglect to attend at the opening of the polls, the qualified electors present may elect as many inspectors as shall be necessary to constitute a board of three members, and any person so Polls, when open, etc. Inspectors, who to constitute.

Canvass of
votes, etc.

Statement
filed with
secretary.

elected shall, upon taking the oath of office, have all the powers and perform all the duties of any inspector of election. As soon as the polls are closed the ballot box shall be opened and the votes publicly canvassed, and the result announced before an adjournment shall be had. Upon the completion of such canvass the inspectors, or a majority of them, shall make a statement in writing setting forth the result of such election, which statement shall be filed with the secretary of the board of education within twenty-four hours after such canvass.

Election
precincts.

Proviso.

Inspectors,
compensation
of.

Borrow money
and issue
bonds.

Election, when
held, etc.

SEC. 26. The board of education may, in their discretion, divide said township into two or more election precincts and appoint a board of three inspectors and board of registration for each of said precincts: Provided, That the president, secretary and treasurer shall be the inspectors of precinct number one, to which precinct all the other precincts shall make their returns in the same manner as is required by law at township elections. Any person, except the secretary, acting as inspector of any election shall receive one dollar fifty cents for all his services at such election.

SEC. 27. The said school district may borrow on the credit of said district, and issue its bonds therefor, to pay for school house sites and to erect and furnish school houses.

SEC. 28. Whenever the board of education shall by resolution declare that it is expedient for said district to borrow any sum of money for the purposes, or any of the purposes, mentioned in the next preceding section of this act, it may order the question of borrowing the same, and issuing the bonds of said district therefor, to be submitted to the qualified electors at any annual meeting of said district, or at any special meeting thereof called for that purpose; and if the majority of the qualified electors voting on such question at such meeting shall vote in favor of borrowing such sum of money and issuing the bonds of the school district therefor, the board may thereupon borrow the same, and may issue the bonds of said district therefor. Which bonds shall be in such form and denomination, bear such rate of interest, not exceeding five per centum per annum, mature at such time or times, not exceeding thirty years from the time of their issue, and contain such other terms, conditions and limitations as the said board shall by resolution determine: Provided, That the amount so borrowed shall not exceed six per centum of the assessed valuation of the taxable real and personal property of said district as shown by the then last preceding tax rolls: And provided further, That none of the bonds of said school district shall be disposed of for less than their par value.

Issue bonds.

Proviso.

Further
proviso.

Ballots.

SEC. 29. The vote at any annual or special meeting of said school district upon the question of borrowing money and issuing bonds of said district therefor, shall be by ballot, and all the proceedings pertaining thereto shall be conducted, as nearly as may be, in accordance with the pro-

visions of law governing the election of school district officers. The form of ballot to be used for the purpose afore- Form of.
said, may be as follows:

OFFICIAL BALLOT.

(Instructions)—Indicate your vote upon the question submitted by a cross mark (X) in the square opposite the word "Yes," or in the square opposite the word "No." Before leaving the booth fold the ballot so that the initials may be seen on the outside.

For borrowing dollars for school district purposes and issuing bonds of the school district therefor.

Yes. ()

No. ()

SEC. 30. The board of education shall, annually, prior to the first day of July in each year, make a detailed written statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which statement shall be entered at length in the record of said board, and shall be publicly read by the president of the board, or, in his absence, by the secretary thereof, to the electors at the annual meeting of said school district at the hour of one o'clock in the afternoon and also published in a newspaper published in said district.

Board to
make annual
report, etc.

SEC. 31. All property, money and effects of the "Public Schools of Stambaugh" and any school district or districts in any territory that may have been or may be attached to the said township of Stambaugh shall become the property of the school district hereby created, and the district hereby created shall become liable for and pay all the indebtedness of each of said several school districts.

District
property, etc.

SEC. 32. The board of education shall have power to create and appoint such officers and employees not herein otherwise provided for as it may deem necessary or expedient for transacting the business of such school district and may prescribe their duties and compensation.

Board may
appoint
officers.

SEC. 33. The secretary and treasurer of the board of education shall receive such compensation for all services as said board of education shall deem proper but not to exceed one hundred dollars and no other member of the board of education shall receive any compensation for his services as such, but trustees not residing in the village of Stambaugh in said district shall be paid their actual expenses in attending any meeting of the board of education but not to exceed twenty-five dollars.

Officers,
salaries of.

Non-resident
members to
receive ex-
penses.

SEC. 34. The provisions of act number eighty-three of the public acts of one thousand nine hundred one, entitled "An act to amend sections one, two, three and six, and to repeal

Certain act
to apply.

section seven, of act number ninety-five of the general laws of one thousand eight hundred eighty-five, entitled "An act to provide for the compulsory education of children, for the punishment of truancy, and to repeal all acts or parts of acts conflicting with the provisions of the same," being sections four thousand eight hundred forty-seven, four thousand eight hundred forty-eight, four thousand eight hundred forty-nine, four thousand eight hundred fifty-two and four thousand eight hundred fifty-three of the compiled laws of one thousand eight hundred ninety-seven, or any amendment to the said act applying to cities having a duly constituted police force, shall apply and be in force in said school district.

Offices
abolished.

SEC. 35. The offices of school inspectors of the township of Stambaugh are hereby abolished, and the powers and duties thereof are hereby conferred upon the board of education of the said township, hereby created, who are hereby constituted the board of school inspectors of the said township.

Act
repealed.

SEC. 36. Act number four hundred thirty of the local acts of one thousand nine hundred one, entitled "An act to incorporate the public schools of Stambaugh township in the county of Iron," is hereby repealed.

This act is ordered to take immediate effect.

Approved June 6, 1905.

[No. 596.]

AN ACT to provide for a new voting precinct to be known as voting precinct number two, in the township of Iron River, in the county of Iron.

The People of the State of Michigan enact:

Territory
constituting.

SECTION 1. All that territory in the township of Iron River, county of Iron, lying north of the north line of township forty-three, range thirty-five and thirty-six thereof, shall constitute a separate voting precinct, to be known as voting precinct number two, Iron River township.

Polling place,
location of.

SEC. 2. The polling place for the electors resident and being in the territory above described as voting precinct number two, Iron River township, shall be located at such place as the township board of the township of Iron River shall determine.

Board of reg-
istration, by
whom ap-
pointed.

SEC. 3. The board of registration for the first election to be held hereafter in voting precinct number two, Iron River township, shall be appointed by the township board of said township at least twenty days before the April election held

therein for the year nineteen hundred six. Said board of registration shall convene at some suitable place in precinct number two, which shall be designated by the township board of said township and they shall register the names of all the qualified voters of said precinct number two, who shall present themselves to said board for that purpose. The first board of inspectors of election held in said voting precinct number two, Iron River township shall also be appointed by the township board of said township at least ten days previous to the April election held therein for the year nineteen hundred six, and said board of election inspectors shall conduct said election in said precinct in the same manner as other elections are held under the general law.

Where to
convene.

Inspectors of
election, by
whom ap-
pointed, etc.

SEC. 4. It shall be the duty of the township board of the township of Iron River to supply the necessary books for registration and election and the necessary blanks for the return thereof, to be used in voting precinct number two.

Registration
books and
election
blanks.

SEC. 5. The conduct of registration and elections in the voting precinct herein provided for shall be conducted in accordance with the provisions of the general laws for the conduct of elections, and the canvass and return of votes shall be made in accordance therewith.

Elections, how
conducted,
canvass of
votes, etc.

This act is ordered to take effect March first, nineteen hundred six.

Approved June 6, 1905.

[No. 597.]

AN ACT to amend section one of act three hundred twenty-six of the local acts of nineteen hundred three, entitled "An act to provide for the nomination of candidates for election by popular vote and relating to primary elections in Kent county," so as to include the county commissioner of schools.

The People of the State of Michigan enact:

SECTION 1. On the eighth Tuesday preceding any election at which members of the State legislature or officers of the county of Kent are to be elected, a primary election shall be held in the several townships of said county and wards of the city of Grand Rapids, and at said primary election the candidates for all elective county offices, judges, representatives and senators in the State legislature and all other elective officers (excepting members of the school boards and all township officers) who are to be voted for at the ensuing election, shall be chosen by popular vote as hereinafter pro-

Primary
election,
when held.

Candidates
chosen.

Proviso, as to
school com-
missioner.

vided: Provided, That the county commissioner of schools shall be elected at the November election in nineteen hundred six and every four years thereafter and his term of office shall commence on July first following. On the third Tuesday preceding any charter or special election, a primary election shall be held for the nomination, by direct vote of the people, of all elective officers for the city of Grand Rapids, except the elective members of the school board.

Approved June 6, 1905.

[No. 598.]

AN ACT to prohibit the dumping of sawdust, slabs, or other saw mill refuse in any of the streams, rivers or lakes in the counties of Mackinac and Menominee, or in any waters touching said counties.

The People of the State of Michigan enact:

SECTION 1. The dumping of sawdust, slabs or other saw mill refuse in any of the streams, rivers or lakes in the counties of Mackinac and Menominee, or in any waters touching said counties is hereby prohibited.

Penalty for
violation.

SEC. 2. Any person found guilty, before a court of competent jurisdiction, of violating any provisions of section one of this act, shall be punished by a fine of not less than ten dollars and not more than fifty dollars, or by imprisonment in the county jail for a period of not less than thirty days and not more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Approved June 6, 1905.

[No. 599.]

AN ACT to attach certain territory to the village of Boyne City in the county of Charlevoix and State of Michigan.

The People of the State of Michigan enact:

Territory at-
tached, de-
scription of.

SECTION 1. All that portion of sections twenty-five, twenty-six, twenty-seven, thirty-three, thirty-four and thirty-six of township thirty-three north, range six west; also all that portion of sections one, two and three of town thirty-two north, range six west, all in Charlevoix county, State of

Michigan, and described as follows, to wit: All of section twenty-seven; also all the west half of section twenty-six lying south of the Bear Lake road; the south half of the southeast quarter of section twenty-six; also the southwest quarter of the southwest quarter of section twenty-five; the west half of section thirty-six; the southeast quarter of the southeast quarter of section thirty-three and all that portion of section thirty-four not included in the present corporate limits of the village of Boyne City, Charlevoix county, Michigan, all being in township thirty-three north, of range six west; also the north half of the northwest quarter of section one; the north half of north half of section two; the north half of the north half of section three, all in township thirty-two north, of range six west, is hereby attached to the village of Boyne City, in the county of Charlevoix and State of Michigan, and made a part thereof.

This act is ordered to take immediate effect.

Approved June 6, 1905.

[No. 600.]

AN ACT to prohibit the business of manufacturing, selling, furnishing, delivering, or keeping for sale sacramental and intoxicating liquors, or malt, brewed, and fermented liquors and vinous liquors, in any city of the fourth class within the county of Sanilac, State of Michigan, except by the keeper of a hotel, and to define the term "hotel."

The People of the State of Michigan enact:

SECTION 1. In any city of the fourth class within the county of Sanilac in this State, it shall not be lawful for any person, firm or corporation to engage in the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors and malt, brewed or fermented liquors and vinous liquors, unless such person, firm or corporation is the keeper of a hotel and has complied with all the general laws of this State regulating the liquor traffic. Prohibiting
sale of liquors.

SEC. 2. The term "hotel" as used in this act shall mean a building regularly used and kept open as such for the feeding and lodging of guests, where all who conduct themselves properly and who are able and willing to pay for their entertainment, are received, if there be accommodation for them, and who are, while there, supplied at a reasonable charge with their meals, lodgings, refreshments and such service and attention as are necessarily incident to the use of the place as a temporary home, and in which the only Hotel.

What to
contain.

other dwellers shall be the family and servants of the hotel keeper. Such building shall contain at least fourteen bedrooms above the basement, exclusive of those occupied by the family and servants, each room properly furnished to accommodate lodgers, and separated by partitions at least three inches thick, extending from floor to ceiling, within independent access to each room by a door opening into a hallway, each room having window or windows with not less than eight square feet of surface opening upon the street or open court, light shaft or open air, and each having at least eight feet square of floor area and at least six hundred cubic feet of space therein, a dining room with at least five hundred square feet of floor area, which shall not be a part of the barroom, with tables, and having suitable table furniture and accommodations for at least thirty guests therein at one and the same time, and a kitchen and conveniences for cooking therein sufficient to provide bona fide meals at one and the same time for thirty guests. The part of said hotel in which the barroom is situated shall be constructed of brick and shall contain not less than three hundred square feet of floor area.

Misdemeanor,
what deemed.

Penalty for,
etc.

SEC. 3. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail of not less than ten days and not more than ninety days, or by both such imprisonment and fine, in the discretion of the court, and in case such fine and costs shall not have been paid at the time such imprisonment expires, the person serving out such penalty shall be further detained in jail until such fine and costs shall be entirely paid: Provided, That the imprisonment shall not exceed six months.

Proviso.

Approved June 6, 1905.

[No. 601.]

AN ACT to prohibit the laying or extending of drains into or along or from a lake known as Rush lake in Huron county, so as to lower the general water level or to impair the navigability of the waters of said lake.

The People of the State of Michigan enact:

SECTION 1. No person, persons, association or corporation shall at any time lay or extend any drain into, along or from a lake known as Rush lake in Huron county, so as

to lower the general water level or to impair the navigability of the waters of the said lake.

SEC. 2. Any person violating any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not to exceed one hundred dollars or imprisonment in the county jail for a period not to exceed ninety days, or both such fine and imprisonment in the discretion of the court. Violation,
penalty for.

This act is ordered to take immediate effect.

Approved June 6, 1905.

[No. 602.]

AN ACT to amend section nine of act four hundred ninety-seven of the local acts of nineteen hundred three, entitled "An act to incorporate the city of Standish, in the county of Arenac, as a city of the fourth class, and to repeal all acts or parts of acts relative to the incorporation of the village of Standish."

The People of the State of Michigan enact:

SECTION 1. Section nine of act four hundred ninety-seven of the local acts of nineteen hundred three, entitled "An act to incorporate the city of Standish, in the county of Arenac, as a city of the fourth class, and to repeal all acts or parts of acts relative to the incorporation of the village of Standish," is hereby amended so as to read as follows: Section
amended.

SEC. 9. The city of Standish shall comprise a single assessment district and assessments of property and spreading of taxes shall be made therein by a city assessor, who shall be elected at the regular annual election held in said city on the first Monday in April in each year, and who shall hold his office for the term of one year and until his successor is elected and qualified. Assessment
district.
Assessor,
when elected.
Term of office.

This act is ordered to take effect March one, nineteen hundred six.

Approved June 6, 1905.

AN ACT to provide for two voting precincts in the township of Spalding in the county of Menominee.

The People of the State of Michigan enact:

Voting precincts, what to constitute.

SECTION 1. The township of Spalding in the county of Menominee shall be divided into two voting precincts as follows: All of town thirty-eight north, of range twenty-six west, and all of town thirty-nine north, of range twenty-six west, shall constitute voting precinct number one; all of town forty north, of range twenty-six west, all of town forty-one north, of range twenty-six west and the east half of township forty north, of range twenty-seven west, shall constitute voting precinct number two.

Polling places.

SEC. 2. The polling place of the electors resident and being in the territory described as precinct number one shall be at such place as the township board of the township of Menominee shall determine, and the polling place of the electors resident and being in the territory known as precinct number two shall be at the schoolhouse at La Branche.

Books, blanks, etc.

SEC. 3. It shall be the duty of the township board of the township of Spalding to supply the necessary books for registration and election and the necessary blanks for the return thereof to be used in precinct number two.

Elections, conduct of.

SEC. 4. The conduct of the elections in the precincts herein provided for shall be conducted in accordance with the provisions of the general laws for the conduct of elections, and the canvass and return of votes shall be in accordance with the law governing the canvass and return of votes in townships having more than one precinct.

Canvass of votes.

This act is ordered to take immediate effect.

Approved June 6, 1905.

AN ACT to amend section two hundred six of act number three hundred seventy-nine, local acts of Michigan for the year eighteen hundred ninety-five, entitled "An act to reincorporate the city of Charlotte, and to repeal act number two hundred fifty of the session laws of Michigan for the year eighteen hundred seventy-one, entitled, 'An act to incorporate the city of Charlotte,' approved March twenty-nine, eighteen hundred seventy-one, and all amendments thereof."

The People of the State of Michigan enact:

Section amended.

SECTION 1. Section two hundred six of act number three hundred seventy-nine of the local acts of Michigan for the

year eighteen hundred ninety-five, entitled "An act to incorporate the city of Charlotte, and to repeal act number two hundred fifty of the session laws of Michigan for the year eighteen hundred seventy-one, entitled 'An act to incorporate the city of Charlotte,' approved March twenty-nine, eighteen hundred seventy-one, and all amendments thereof," is hereby amended so as to read as follows:

SEC. 206. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than twenty installments, one of which shall be collected each year at such time as the council shall determine, with annual interest at a rate not exceeding seven per cent: ^{Assessment, how collected, etc.} Provided, That the first installment shall include all fractional amounts, leaving the other installments equal in amount. ^{Proviso.}

This act is ordered to take immediate effect.

Approved June 6, 1905.

[No. 605.]

AN ACT to fix the compensation of the sheriff of Bay county and his deputies for attendance upon the circuit court for Bay county.

The People of the State of Michigan enact:

SECTION 1. The sheriff of Bay county and each of his deputies when required to attend upon the circuit court for Bay county shall be entitled to receive two and one-half dollars per day from the said county for such services, payable monthly, upon the order of the county clerk of said county. ^{Compensation of sheriff.}

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed. ^{Acts repealed.}

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 606.]

AN ACT to amend section eight of act number three hundred nineteen of the local acts of eighteen hundred ninety-one, entitled "An act to incorporate the city of Harrison in the county of Clare."

The People of the State of Michigan enact:

SECTION 1. Section eight of act number three hundred nineteen of the local acts of eighteen hundred ninety-one, entitled "An act to incorporate the city of Harrison in the county of Clare," is hereby amended to read as follows: ^{Section amended.}

School district, what to constitute.

Tax levy.

Settlement of treasurers.

Proviso.

Further proviso.

General law to govern.

SEC. 8. The city of Harrison, together with the following sections, viz.: Sections nineteen, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, south half of twenty-two, south half of thirteen, of town nineteen north, range four west shall constitute a single school district, which shall be a body corporate by the name and style of the "public schools of the city of Harrison," and be subject to the provisions of act number one hundred seventy-eight of the public acts of eighteen hundred seventy-three, approved April twenty-ninth, eighteen hundred seventy-three, and acts amendatory thereto and supplemental thereto, and that all territory constituting said school district, and not included within the corporate limits of said city of Harrison, shall be assessed and the taxes levied for school purposes by the supervisor of the township of Hayes and the moneys so levied shall be collected by the treasurer of the township of Hayes. At the annual settlement of the treasurer of the township of Hayes with the county treasurer of Clare county, as provided by existing laws, he shall turn over to the county treasurer of Clare county all moneys collected by him on account of school taxes levied and collected on the tax rolls of Hayes township on territory belonging to and being a part of the school district known as "the public schools of the city of Harrison," and take duplicate receipts therefor from such county treasurer. It shall be the duty of the county treasurer of Clare county, as soon as possible after such annual settlement with the treasurer of Hayes township, to pay to the city treasurer of the city of Harrison all moneys collected and received by him from the treasurer of Hayes township for school taxes belonging to "the public schools of the city of Harrison," and take duplicate receipts therefor: Provided, That whenever there shall be due from the county of Clare to said board of schools of the city of Harrison, any money on account of delinquent taxes, interest, primary money or on any other account, said county treasurer shall pay the same direct to the treasurer of the city of Harrison taking duplicate receipts therefor: Provided further, That in all cases where duplicate receipts are to be issued under this act, one shall be retained by the officer receiving the same, and the other to be given by him to the city clerk of the city of Harrison, to be filed in his office. The general law relative to the assessment of property, levying and collecting of taxes in townships shall be followed in all things as to that portion of land not included in the corporate limits of said city, and that said territory not included in the corporate limits of said city, shall not be subjected to any taxes for school purposes except as herein provided.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 607.]

AN ACT to amend sections three, five, seven, thirteen and seventeen and to repeal section fourteen of act number three hundred eighty-four of the local acts of the State of Michigan for the year nineteen hundred three, approved April second, nineteen hundred three, entitled, "An act to provide for the manner of taking testimony before the probate court, justices of the peace and coroners in the county of Oakland, and to provide for the appointment, fix the term of office, and prescribe the duties, liabilities and compensation of a stenographer and assistant stenographer for the said courts; and to repeal act number three hundred seventy-seven of the local acts of the State of Michigan for the year eighteen hundred ninety-five."

The People of the State of Michigan enact:

SECTION 1. Sections three, five, seven, thirteen and seventeen of act three hundred eighty-four of the local acts of the State of Michigan for the year nineteen hundred three, approved April second, nineteen hundred three, entitled "An act to provide for the manner of taking of testimony before the probate court, justices of the peace, and coroners in the county of Oakland and to provide for the appointment, fix the term of office, and prescribe the duties, liabilities and compensation of a stenographer and assistant stenographer for the said courts; and to repeal act number three hundred seventy-seven of the local acts of the State of Michigan for the year eighteen hundred ninety-five," are hereby amended to read as follows: Sections amended.

SEC. 3. In any criminal examination held in Oakland county under the provisions of chapter three hundred thirty of the compiled laws of the State of Michigan of eighteen hundred ninety-seven the magistrate conducting such examination may, and upon the request of the prosecuting attorney of said county or any defendant in the cause, shall require that full stenographic notes shall be taken of all evidence given by the several witnesses examined, and that such stenographic notes shall be forthwith transcribed in full and certified as hereinafter provided, and filed with such magistrate, which said evidence when so taken, transcribed and certified, need not be signed by the several witnesses; and such certified transcript of such evidence shall have the same force and effect as if such evidence was reduced to writing by the magistrate or under his direction and signed by the witnesses respectively. Examinations, stenographic reports of.

SEC. 5. The stenographer, when requested so to do by the judge of probate, shall attend contested cases in the probate court and shall take full and correct stenographic notes of all evidence given, and shall, after all of the evidence has been introduced, upon a written order from the probate Filed with magistrate.
Probate cases, transcript of, etc.

County may dispose of.

Payment for, etc.

Stenographer to attend criminal examinations.

Certified copies, to whom furnished.

Stenographer, other duties of.

Proviso.

When allowed expenses.

Compensation.

judge, forthwith transcribe a full, correct and properly certified transcript of the whole or any part of such evidence as may be required by said judge of probate and file with the said judge three properly certified copies of said testimony, two of which copies of testimony may be purchased of the county by the parties to the cause, who shall pay therefor at the rate of eight cents per folio of one hundred words. It shall be the duty of the stenographer to certify in the regular certificate attached to said copies, the approximate number of words contained therein; payment for said copies shall be made to the county treasurer and the copies shall be delivered to the parties to the cause upon the presentation of a receipt from the county treasurer showing the title of the cause in which the testimony was taken, the number of folios contained in the transcript, the value thereof at eight cents per folio and that payment therefor has been received by the county treasurer. The money so received shall be credited to the general expense fund of the county.

SEC. 7. When requested by the prosecuting attorney of said county, or by any magistrate, or a defendant in the cause, it shall be the duty of such stenographer to attend criminal examinations before justices of the peace and coroner's inquests in said county, and take full and correct stenographic notes of all evidence given, and he shall forthwith transcribe and properly certify three copies of the same, without extra compensation, one of which shall be forthwith filed with the magistrate or coroner as the case may be, before whom such evidence was given, and one of which shall be forthwith furnished the prosecuting attorney of said county, and one of which shall be furnished on demand to the defendant or defendants in said cause.

SEC. 13. In addition to the other duties herein prescribed, it shall be the duty of the stenographer to take the statements of such persons as may, from time to time, be required by the prosecuting attorney of the said county on matters relating to the administration of his office as prosecuting attorney: Provided, That whenever the stenographer or assistant stenographer, in the performance of his duties, is required to leave the county seat of said county he shall be entitled to and shall receive his actual expenses thereby incurred, in addition to all other compensation herein provided; such expenses to be paid monthly by the county treasurer from the general expense fund of the county, upon an itemized bill, verified by the stenographer and approved by the prosecuting attorney, and the county treasurer is hereby authorized and required to pay the same upon presentation as aforesaid.

SEC. 17. The stenographer appointed under the provisions of this act shall receive as compensation from the county of Oakland a salary of one thousand dollars per annum, payable in monthly installments out of the treasury of

the county, upon the order of the county clerk, or board of supervisors, who are hereby authorized and required to draw such orders, and the county treasurer to pay the same upon presentation: Provided, That the board of supervisors of said county of Oakland shall have power to change by resolution the salary of said stenographer at any October session of the board: Provided, further, That said salary shall not be fixed at a sum greater than twelve hundred dollars nor less than eight hundred dollars per annum.

Proviso.

Further proviso.

SEC. 2. That section fourteen of act three hundred eighty-four of the local acts of the State of Michigan for the year nineteen hundred three, approved April second, nineteen hundred three, entitled "An act to provide for the manner of taking of testimony before the probate court, justices of the peace and coroners, in the county of Oakland, and to provide for the appointment, fix the term of office, and prescribe the duties, liabilities and compensation of a stenographer and assistant stenographer for the said courts; and to repeal act number three hundred seventy-seven of the local acts of the State of Michigan for the year eighteen hundred ninety-five" be and the same is hereby repealed.

Section amended.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 608.]

AN ACT to amend act number three hundred twenty-one of the local acts of the State of Michigan for the year eighteen hundred ninety-seven, entitled "An act to amend and revise the charter of the city of Adrian."

The People of the State of Michigan enact:

SECTION 1. Act number three hundred twenty-one of the local acts of the State of Michigan for the year eighteen hundred ninety-seven, entitled "An act to amend and revise the charter of the city of Adrian," is hereby amended by adding thereto a new section to be known as section two hundred sixty and one-half.

Act amended.

SEC. 260½. The city shall have the same powers relative to the appropriation of private property for public uses and purposes, either within or without the city limits, as are now possessed by cities organized under act number two hundred fifteen of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," and the amendments thereto, and the same proceedings shall be had and with like effect, and private property may be appropriated for the same uses and

Powers of city.

Appropriation of private property.

purposes as is provided in said act, and the amendments thereto; or such property may be appropriated in the manner provided by the general laws of this State and the amendments thereto relative to the taking of private property by cities and villages for public uses.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 609.]

AN ACT to provide that the adoption of Harold H. Huber, a minor son of William R. Huber, by David H. Lomison and Lucinda Lomison, husband and wife, all of St. Joseph county, Michigan, and that the changing of the name of said Harold H. Huber to Harold H. Lomison, and that the making said Harold H. Huber (by the name Harold H. Lomison) an heir at law of said David H. Lomison and Lucinda Lomison (which proceedings were had in the probate court for said county of St. Joseph, under the provisions of chapter two hundred thirty-six of the compiled laws of eighteen hundred ninety-seven), be annulled and set aside; that the name Harold H. Huber be restored to said minor whose name was changed to Harold H. Lomison; that said Harold H. Huber shall not be an heir at law of said David H. Lomison and Lucinda Lomison or either of them; that said David H. Lomison and Lucinda Lomison shall each be relieved from all of the duties, responsibilities and liabilities assumed by them by reason of such adoption of said minor; and that said David H. Lomison, Lucinda Lomison, William R. Huber and Harold H. Huber be restored to all the privileges, rights and obligations which would have belonged to and been imposed upon them, respectively, if such adoption had not been made.

The People of the State of Michigan enact:

Adoption
annulled.

SECTION 1. The adoption of Harold H. Huber, a minor son of William R. Huber, by David H. Lomison and Lucinda Lomison, husband and wife, all of St. Joseph county, Michigan, and the changing of the name of said Harold H. Huber to Harold H. Lomison, and the making said Harold H. Huber by the name Harold H. Lomison, an heir at law of said David H. Lomison and Lucinda Lomison, which proceedings were had in the probate court for said county of St. Joseph, under and by virtue of the provisions of chapter two hundred thirty-six of the compiled laws of eighteen hundred ninety-seven, hereby are annulled and set aside.

SEC. 2. Said Harold H. Huber, whose name was changed Change of name. in said adoption proceedings to Harold H. Lomison, shall hereafter be known and called Harold H. Huber and shall no longer bear the name Harold H. Lomison. The said Harold H. Huber shall not be an heir at law of said David H. Lomison and Lucinda Lomison or either of them, by the name Harold H. Huber, Harold H. Lomison or any other name; and the said David H. Lomison and Lucinda Lomison shall not hereafter stand in the place of parents of said Harold H. Huber and shall not be responsible to or for him in any other manner or to any greater extent than they would have been if they had not adopted him. All of the relations, Relations restored. rights and responsibilities between said Harold H. Huber and his said father, William R. Huber, as parent and child, as they existed before said Harold H. Huber was so adopted by said David H. Lomison and Lucinda Lomison, are hereby fully restored; and the said David H. Lomison, Lucinda Lomison, William R. Huber and Harold H. Huber are hereby placed in and restored to, the same relations, obligations and responsibilities towards and the same rights against the people of this State, and towards and against one another as would have existed if said adoption of said minor had not occurred.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 610.]

AN ACT with reference to and declaratory of the character and purpose of the municipal court provided for in House enrolled act number seventy of nineteen hundred five, entitled "An act to amend sections one and two of chapter three; and section one of chapter twenty-three, and to add to said chapter twenty-three twenty-five sections to be known as sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six of act number four hundred thirty of the local acts of eighteen hundred ninety-nine, entitled 'An act to amend and revise the charter of the city of Battle Creek,' approved June one, eighteen hundred ninety-nine, as amended by act number four hundred fifty-two of the local acts of nineteen hundred one, approved May twenty-eight, nineteen hundred one, as amended by act four hundred seventy-eight of the local acts of nineteen hundred three, approved May twenty, nineteen hundred three, and to establish and

provide a municipal court in said city in the place and stead of justice courts, to provide a judge and associate judge of said court and to define the duties and fix the compensation of said judge and associate judge; and to limit the number, to define the duties, and fix the compensation of constables, and to repeal all acts or parts of acts inconsistent herewith," and to declare and constitute the judges thereof justices of the peace.

The People of the State of Michigan enact:

Act declaring
character of
municipal
court.

SECTION 1. The municipal court provided for by House enrolled act number seventy of nineteen hundred five, entitled "An act to amend sections one and two of chapter three; and section one of chapter twenty-three, and to add to said chapter twenty-three twenty-five sections to be known as sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six of act number four hundred thirty of the local acts of eighteen hundred ninety-nine, entitled 'An act to amend and revise the charter of the city of Battle Creek,' approved June one, eighteen hundred ninety-nine, as amended by act number four hundred fifty-two of the local acts of nineteen hundred one, as amended by act four hundred seventy-eight of local acts of nineteen hundred three, approved May twenty, nineteen hundred three, and to establish and provide a municipal court in said city in the place and stead of justice courts, to provide a judge and associate judge of said court and to define the duties and fix the compensation of said judge and associate judge; and to limit the number, to define the duties, and fix the compensation of constables, and to repeal all acts or parts of acts inconsistent herewith," was intended to and is hereby declared to have all the authority, powers and jurisdiction of justices of the peace, and the municipal judge provided for therein, together with the associate judge when acting in his place and stead, was intended to be and is hereby declared to be and constitute, ex officio, a justice of the peace.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 611.]

AN ACT regulating the determining and levying of money taxes for highway purposes in the township of Surrey, in the county of Clare.

The People of the State of Michigan enact:

SECTION 1. At any township meeting in the township of Surrey, in the county of Clare, the electors residing within the corporate limits of the village of Farwell, in such county, and not owning real estate outside of said village, shall not be qualified to vote upon the question of the amount of money tax to be levied and collected in such township for highway purposes. Qualified voters.

SEC. 2. The money tax voted to be levied and collected at any township meeting in said township for highway purposes shall be deemed to be for the exclusive benefit of the highways situated without the corporate limits of the said village and shall be levied upon the taxable property of said township, located without the corporate limits of said village. Tax collected, where applied.

SEC. 3. In case the electors of said township, who do not reside within the corporate limits of said village, shall neglect or refuse to vote a money tax for highway purposes at any annual township meeting therein, and it shall become the duty of the township board of said township to determine the amount of and to order levied such tax, said board shall order such tax levied upon the taxable property of said township as is situated wholly without the limits of said incorporated village. Board to order tax levy.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 612.]

AN ACT to provide for the locating and establishing of drains within the county of Ionia.

The People of the State of Michigan enact:

SECTION 1. In the county of Ionia no drain shall be located or established or cleaned out, straightened, widened, deepened or extended unless the same shall be necessary to the public health, and the question of public convenience or welfare shall not be taken into any consideration in any proceedings to establish drains in said Ionia county. Drain, when established.

Application,
by whom filed.

SEC. 2. In the county of Ionia, before any action can be taken by the drain commissioner under the general law, there shall be filed with him an application signed by the owners of over one-half of the value of the lands liable to an assessment for benefits in the construction of the proposed drain as shown by the last assessment roll of said lands:

Proviso.

Provided, That in the county of Ionia, before any action can be taken by the drain commissioner to sell any drain or any part thereof, the drain commissioner shall make an actual assessment of all lands benefited by such drain, and after such assessment is completed and before anything further can be done, there shall be filed with the drain commissioner an application signed by the owners of land of over one-half of the value of benefits in the construction of the proposed drain according to the assessment made by the

Non-receipt of
application.

drain commissioner on said proposed drain. If, for any reason, the drain commissioner does not receive an application signed by the owners of land of over one-half of the value for benefits in the construction of the proposed drain within sixty days, said proposed drain shall stand suspended and nothing further shall be done towards the construction of said proposed drain.

Location.

SEC. 3. In locating such drain in said Ionia county, the county drain commissioner shall be limited and confined to the precise starting point, route and terminus as set forth in the application for such drain.

Supervisors,
powers of.

SEC. 4. The board of supervisors of Ionia county, at any session thereof, may from time to time, by resolution, fix and determine such further conditions other than those herein set forth, to be complied with before all or any contract shall be made or entered into for the construction, improvement or clearing out of any drain as provided by the general drain law, as to such board shall seem necessary and proper to protect all persons and townships that may be affected by the proceedings; and no contract or expenditure shall be made or entered into by the drain commissioner or his deputy without first complying with such conditions. Such board may in like manner fix and determine the number and kind of employes the drain commissioner may employ and fix their compensation, and they may require that said commissioner in each year report to the board, at their October session, a full and detailed statement and account, under oath, of the time actually spent by him during the year, in the discharge of his duty, and for what purpose, the names of all employes, and the time actually spent by each, and for what purpose their labor was performed, and the amount paid or agreed to be paid on each drain and also all other expenditures and the names of all persons to whom moneys have been paid, and the amount paid each, and the purpose for which said expenditure was made. The board may allow or disallow any item in whole or in part, and items charged

May deter-
mine number
of employes
and fix com-
pensation.

Statement
under oath.

Allowance
of items.

in such report and account and only so much thereof shall be paid as shall be thus allowed, and no more than one-half of the several items in such report and account shall be paid, or ordered drawn therefor, under the provisions of section six, chapter nine of the general law, until such accounts have been thus allowed by the board of supervisors, as in this section provided. Such board of supervisors of Ionia county may, by a majority vote of all the members elect, remove such drain commissioner or his deputy or both of Ionia county, and appoint another in his or their place or stead: May remove commissioner. Provided, That the drain proceedings now pending in Ionia county, in which contracts for construction of drains have not already been let, shall stand suspended and nothing further shall be done regarding the same, until the board of supervisors of Ionia county shall have taken action under the provisions of this section in the first instance: And it is further provided, That in the county of Ionia no work upon a drain shall be accepted, unless so accepted by a board consisting of the drain commissioner, the supervisors and highway commissioners of the townships through which said drain passes or is constructed and such work must be accepted by a majority of said board: Providso. And it is further provided, That in said county of Ionia no money shall be paid on any section of a drain until said section is fully completed according to contract and accepted by said board. Further proviso. This act is ordered to take immediate effect. Further proviso.
 Approved June 7, 1905.

[No. 613.]

AN ACT to fix the salary and prescribe the duties of certain officers in the county of Kent.

The People of the State of Michigan enact:

SECTION 1. That the probate judge of the county of Kent shall receive a salary of twenty-eight hundred dollars per annum, and the circuit court commissioners of the county of Kent shall receive a salary of fifteen hundred dollars per annum. The officers named shall not directly nor indirectly, through their deputies or any other person in their respective offices, receive any compensation other than said salary for the performance and discharge of any duties growing out of their office, or for making certificates, drafting papers, administering oaths, as notary public or otherwise, or for performing any other service in any manner connected with the duties of their respective offices. All moneys received for any such services and all moneys received as interest Officers, salary of.
No other compensation.

Proviso.

Further
proviso.

upon any funds in the hands of the said officers by virtue of their offices, shall belong to the county of Kent: Provided, That the board of supervisors may, by a majority vote of all the members elect, give such additional salary to the judge of probate as may seem just and proper: Provided further, That this act shall not be construed to repeal or affect any action heretofore taken by said board of supervisors to give said judge of probate such additional salary.

Approved June 7, 1905.

[No. 614.]

AN ACT to amend sections nineteen, twenty and twenty-two of title five, section one of title seven, sections nine, fourteen, seventeen and nineteen of title eleven, section sixteen of title sixteen of act number four hundred five of the local acts of one thousand eight hundred ninety-three, entitled "An act to reincorporate the city of Lansing, in the county of Ingham, and to repeal all acts and parts of acts in conflict herewith," and all acts amendatory thereto; and to add a new section to title sixteen to stand as section eighteen.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Sections nineteen, twenty and twenty-two in title five; section one in title seven; sections nine, fourteen, seventeen and nineteen in title eleven; section sixteen in title sixteen of act number four hundred five of the local acts of Michigan for the year eighteen hundred ninety-three, entitled "An act to reincorporate the city of Lansing, in the county of Ingham, and to repeal all acts and parts of acts in conflict herewith," as amended, are hereby amended and a new section is hereby added to said title sixteen to stand as section eighteen, so that said amended sections and said added section shall read as follows:

TITLE V.

Constables,
powers and
duties of.

SEC. 19. The constables of the city shall have the like powers and authority in matters of civil and criminal nature and in relation to the service of all manner of civil and criminal process as is conferred by law upon constables in townships. They shall have power to serve all processes issued for breaches of the ordinances of the city and shall be ex-officio members of the police force of said city. They shall

obey all lawful orders of the mayor, aldermen, chief of police and of the justice of the peace; and they shall attend upon the court of said justice of the peace whenever required so to do by the said justice of the peace. They shall discharge all duties required of them by any ordinance, resolution or regulation of the common council; and for any refusal to perform any duty lawfully required of them every constable shall be subject to a penalty of not less than five nor more than fifty dollars; and he and the sureties upon the bond to be filed by him as hereinafter required, shall be liable to any person injured for any neglect or refusal on his part to perform any lawful duty required of him. Every constable, before entering upon the duties of his office shall give such security for the performance of his duties as is required of constables in townships and also such as may be required by the common council of the city of Lansing, and file the same with the city clerk. Each of said constables shall receive a salary to be determined by the common council of the city of Lansing prior to the first Monday in May of each year for the ensuing year, to be paid monthly by the treasurer of said city in the same manner that other salaries are paid. Said constables shall receive no fees nor perquisites for the performance of any duties required of them as said constables in criminal cases, except that in criminal cases and in cases brought for any breach of the ordinances of said city for services performed outside of the city, they shall receive from the city of Lansing, their actual and necessary expenses, to be allowed by the common council like other claims, nor in civil cases, either on account of attendance on said justice court, or the service or execution within the city of Lansing of any process issued out of said court, and all such fees, if collected by said constables, shall be paid to said justice and by said justice into the treasury of the city of Lansing, and shall belong to and be the property of said city of Lansing. Each of said constables shall keep a correct itemized account of all such expenses, and of all fees in criminal cases which by the general laws of this State he would be entitled to receive for services rendered by him as constable, if compensation for such service were not made by salary as herein provided; and file a verified statement thereof with the justice of the peace at the close of each month. Said justice shall examine the same and shall certify thereon whether he believes the same to be correct, and transmit the same together with the verified statement required of him by section thirty of Title five of this act, to the common council.

Penalty for refusal.

Sureties liable.

Security, with whom filed.

Salary.

Expenses, etc.

Fees, to whom paid.

Report to justice.

SEC. 20. The justice of the peace of said city provided for in this act, shall be entitled to receive from the justices of the peace, whose terms shall expire on the first Monday of May, nineteen hundred three, all files, records and dockets by them kept appertaining to their said offices; and said

Records, etc., transferred.

Justice, powers of, jurisdiction, etc.

justice shall be and is empowered to issue executions according to law upon any judgments appearing upon said dockets with the same effect as if said judgments had been rendered by him; and any action or proceeding pending before any of said justices at the time their said terms of office shall expire shall be transferred to the justice elected under this act, and he shall have full jurisdiction to proceed with the same in the same manner as said justices themselves might have done. The said justice of the peace shall have and exercise within the county of Ingham the same jurisdiction in criminal cases, suits and proceedings as are or may be conferred upon or required of justices of the peace by the charter of the city of Lansing or by the general laws of this State. He shall have original jurisdiction of all civil actions not otherwise prohibited by law, wherein the debt or damages do not exceed one hundred dollars and concurrent jurisdiction in all civil actions upon contract, express or implied, wherein the debt or damages do not exceed five hundred dollars. He shall have such jurisdiction to hear, try and determine all actions arising within said city for the recovery of the possession of lands under the provisions of chapter two hundred eleven of the compiled laws of eighteen hundred seventy-one and the acts amendatory thereto as is conferred upon justices of the peace of townships to hear, try and determine cases arising within townships under said chapter and the amendatory acts: Provided, That in case of the absence, disability or disqualification of the said justice any justice of the peace of the township of Lansing in said county shall be qualified to act in the place of and for said justice in the performance of any of the duties devolved upon him under this act, and shall, when called upon by said justice or by the circuit judge so act; and while so acting shall be entitled to receive pro rata for the time he shall so serve, the salary which would otherwise have been payable to the justice elected under this act. The common council may at any time grant a temporary leave of absence to said justice of the peace without loss of pay.

Proviso.

Council to furnish office, blanks, etc.

SEC. 22. The common council of the city of Lansing shall provide and maintain heat, light and properly furnish suitable rooms for the said justice of the peace, and shall furnish all dockets and legal blanks necessary to properly conduct his office; and shall pay to the said justice of the peace a salary of twelve hundred dollars per annum, payable monthly; he shall receive no fees or perquisites of any kind whatever for the performance of any duties connected with his office, except marriage fees; but all such fees as are hereinafter provided to be by him taxed and collected in civil cases, and all fees of the constables of said city for the service and execution in said city of civil processes issued out of said court, and all such fees as are by the general laws of this State properly taxable by a justice of the peace in

Salary.

Fees collected, where deposited.

criminal cases, shall be taxed and collected in like case by the justice of the peace of the city of Lansing, and paid into the city treasury within five days after they shall have been so collected. And said justice shall report on oath to the common council at the first regular meeting thereof in each month, a statement of the fees so collected by him in each cause. In all cases where the complaint is made or other process is issued at the instance of any city officer or private citizen, the said justice shall deliver all processes, civil or criminal, including commitments to the county jail and Detroit house of correction to said constables, who shall serve the same: Provided, however, That the said justice may, in civil cases, if requested by the plaintiff, his agent or attorney so to do, deliver the same to the sheriff, his deputy or to any other constable of said county for service or, on cause shown, may appoint in writing any competent person to serve the same who shall make his return of service of said process on oath and file the same with said justice, and he shall be entitled to receive the same compensation as is allowed to constables for the service of summons in like cases. All orders issued by the Detroit house of correction upon the receipt of any prisoner from either of said constables, shall be made payable to the city of Lansing.

Report to
council.

Processes, by
whom served.

Proviso.

House of
correction
orders to
whom payable.

TITLE VII.

SECTION 1. The city physician, together with the supervisors of the several wards, shall constitute the board of health of said city.

Board of
health.

TITLE XI.

SEC. 9. Every corrected assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive. Within ten days after such assessment shall have been so ratified, the mayor shall affix to such assessment and tax roll, his warrant for the collection thereof, which warrant shall direct the treasurer to collect the same on or before the last day of such month as shall be prescribed by the resolution of the common council, which time shall not be less than forty days, and the said assessment and tax roll, with the warrant of the mayor annexed, shall be delivered to said treasurer within ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property in possession of the person chargeable with such tax: Provided, That if a majority of the resident taxpayers of this city, owning property in any paving or sewer district wherein any paving or sewer shall have been ordered pursuant to the provisions

Assessments,
how col-
lected, etc.

Proviso.

Taxes, how
levied.

City to have
lien.

Paving or
sewer bonds,
how paid.

Extending
time for
collection.

One per cent
added as
penalty.

of this act, and liable for taxation for any such paving or sewer, shall, prior to the order of the common council directing the mayor to attach his warrant to such tax roll for the collection of such taxes, petition the common council for an extension of the time of payment of such taxes, it shall be within the power of the common council by resolution to extend payment as follows: One-fifth shall be levied by the assessors of such city upon the next succeeding tax roll, one-fifth in one year, one-fifth in two years, one-fifth in three years and one-fifth in four years thereafter; and such taxes, together with interest at the rate of six per centum per annum thereon, shall be collected by the treasurer of the city upon warrant of the mayor in the manner as herein provided. The city shall have a lien for the total amount of such taxes and interest, which shall attach to the property liable for the same, from and after the date of the warrant for the collection of the first installment thereof, and shall remain until all the installments are fully paid. If the city shall have borrowed money and issued its bonds to pay for any paving or sewer for which extension of the time of payment of taxes therefor has been granted by the common council, such taxes annually paid as in this section provided, shall be received and kept by the city treasurer in a special fund, to be known as street paving, or sewer fund, and the taxes so collected and placed to the credit of said fund, shall be used for the purpose of paying the bonds issued for said paving or sewer, and for no other purpose, and shall be applied as the common council shall direct.

SEC. 14. Whenever any special assessment shall not have been collected within the life of the mayor's warrant, affixed to the assessment roll, and shall not have been vacated or held invalid, the mayor may affix a new warrant to such assessment roll, extending the time for the collection of the same so long as the common council shall direct, and may continue to affix new warrants to any such assessment roll, from time to time, under the direction of the common council, until the assessment is collected or returned. And whenever any special assessment roll shall be hereafter ratified and confirmed, and the time of payment of such special assessment shall not have been extended over a term of years as provided in section nine in Title XI or other statute in such case made and provided, and such special assessment shall not have been collected within the life of the mayor's first warrant, affixed to such special assessment roll, and shall not have been vacated or held invalid, there shall be added to and paid and collected with such tax or assessment on each particular parcel or description of land, or any undivided share thereof, a penalty of one per cent per month or fraction thereof, computed from the time of the expiration of the mayor's first warrant affixed to such roll, until paid or re-

quired by law to be returned as delinquent to the county treasurer, and the penalty prescribed in section eight in Title twelve shall not apply to such special assessments.

SEC. 17. In all cases of special assessments for local improvements, no orders or warrants shall be issued that will in the aggregate exceed the total expense of such improvement, and in no case shall orders be issued while the work is in progress, to a greater amount than three-fourths of the expense made at the time of issuing the same, to be ascertained from the sworn estimates of the city engineer or other person employed by the common council for that purpose, and no orders shall be paid except out of the fund provided therefor. In case of any reassessment the whole amount so reassessed shall not exceed the whole amount necessary to defray the expense of the improvement for which such reassessment is made, with the accumulated interest thereon. Whenever orders are issued for partial payments on a contract, for which a special fund is created, and there is no money in such fund, the city treasurer shall, upon the presentation of such order by the contractor or his assigns, stamp upon the face of such order the date of presentation, and a statement that such order will become interest bearing after three months from such date, at a rate not exceeding six per cent per annum. Such interest shall cease after four days from date of a notice by the city treasurer that there is money in the fund to pay such order; said notice may be given to the contractor or his assigns, personally or by publication in any issue of a daily newspaper published in said city.

Orders,
amounts
issued, etc.

Special fund
orders, when
to become
interest
bearing.

Interest,
when to cease.

SEC. 19. The common council is authorized to borrow on the faith of said city, such sums of money, not exceeding seventy-five thousand dollars, for bridge purposes, and one hundred twenty-five thousand dollars for public buildings and grounds, as they may deem necessary, for a term not exceeding twenty years, and at a rate of interest not exceeding six per cent, and for such purposes may issue the bonds of the city, signed by the mayor and countersigned by the clerk of the city in such form and sums as the common council shall direct; such bonds shall be disposed of under the direction of the common council for a sum not less than their par value, and the avails thereof shall be applied for the purpose for which such money was raised and for no other purpose; but no such bonds shall be issued by the common council for such purposes unless the amount of such bonds shall have been determined by a majority vote of the tax paying electors of the city voting thereon at a meeting to be called and by a vote to be had and determined in the manner provided for in section six, Title twelve of this act. The common council shall also have the right and is authorized, without such vote of the tax paying electors, whenever they deem it for the best interest of the city, to borrow on

Authority to
borrow money.

Issue bonds.

Election to
determine.

May borrow
money for
paving, etc.

Issue bonds.

How
designated.

the faith and credit of the city money in a sum not to exceed one hundred twenty-five thousand dollars for the purpose of defraying the expense of paving any street or streets in said city, and the sum of one hundred thousand dollars for the purpose of defraying the expense of constructing any sewer in said city, as well as that part of the expense which it is determined that the city at large shall bear as that portion of the expense assessed to adjoining or abutting property, or property deemed to be specially benefited, the time of payment of which is extended under the provisions of section nine in Title eleven of this charter, and issue its bond therefor, bearing interest at a rate of not exceeding six per cent per annum, payable annually, which bonds shall be of such denomination and shall fall due at such time or times as the common council may direct, not exceeding twenty years from the date of their issue, and shall not be sold for anything less than the par value thereof, and no more than one hundred twenty-five thousand dollars of such paving bonds and one hundred thousand dollars of such sewer bonds shall be outstanding and unpaid at any one time. The common council shall not have the power to authorize new bonds to take up such original bonds, and the money so borrowed and the avails of the bonds so sold shall be applied to no other purpose. Such bonds shall be designated "City of Lansing Paving Bonds," or "City of Lansing Sewer Bonds," as the case may be.

TITLE XVI.

Examination
expenses, etc.,
by whom
audited.

SEC. 16. The expenses of apprehending, examining and committing offenders against any law of this State in the said city, and of their confinement shall be audited, allowed and paid by the supervisors of the county of Ingham, in the same manner as if such expenses had been incurred in any town of the said county.

Franchises, to
whom granted.

SEC. 18. No right or franchise shall hereafter be granted to any person, firm or corporation, to use the public places, streets or alleys of said city for the purpose of carrying on any business, for which such right or franchise is granted, except by ordinance, which shall contain in addition to other things the following express conditions, viz.:

City may
acquire title
to property.

1. That at the expiration of any franchise, or at any time thereafter, the city shall have the right to acquire the title to and take over the property employed or used in the business for which such franchise was granted upon the payment to the owner of the same of the fair value of the physical properties at that time employed or in use in such business.

Conditions of
franchise.

2. That the person, firm, or corporation to which such franchise is granted, takes the same subject to the express

condition, a breach of which shall work a forfeiture of all rights under it; that the grantee, or the successor or assigns of such grantee, shall at all times conduct the business for which such franchise is granted, in a safe and efficient manner, and well and faithfully keep, execute, and perform all of the terms and conditions of the ordinance granting such franchise; and that in case default shall at any time be made by the holder of such franchise, and such default shall after due notice and hearing be declared by a two-thirds vote of all the members elect of the common council of said city, the common council shall have the right to declare a forfeiture of the said franchise, and all the rights and interests of the holders therein.

In case of default.

3. In such cases the city shall have the right to acquire the title and take over the property employed or used for the business for which such franchise was granted upon the payment to the owner thereof of the fair value of the physical property at that time employed or used in such business, and may thereafter carry on and conduct such business. In case the city is unable to agree with such owner as to the value of such physical property, then said property may be condemned and taken for public use, and the value thereof awarded as compensation therefor to the owner of the same in the manner, as near as may be, provided in Title eighteen of this charter, or under the general laws of the State authorizing municipalities to take private property for the use or benefit of the public.

May acquire title.

Property may be condemned.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 615.]

AN ACT to amend section twenty-eight of chapter five of act number eleven of the Senate enrolled acts passed by the legislature of the State of Michigan for the year nineteen hundred five, approved May eighteen, nineteen hundred five, entitled "An act to reincorporate the city of Coldwater."

The People of the State of Michigan enact:

SECTION 1. Section twenty-eight of act number eleven of the Senate enrolled acts passed by the legislature of the State of Michigan for the year nineteen hundred five, approved May eighteen, nineteen hundred five, entitled "An act to reincorporate the city of Coldwater," is hereby amended to read as follows:

Section amended.

Justices of
peace, juris-
diction of, etc.

SEC. 28. Justices of the peace elected in said city shall have and exercise therein and within the county, the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try and determine all suits and prosecutions for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed in section seventeen of chapter eight of this act: Provided, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justice court in said city whenever the plaintiffs or defendants or one of the plaintiffs or defendants reside in the county of Branch.

Proviso.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 616.]

AN ACT to incorporate the city of Yale, in the county of St. Clair, as a city of the fourth class, and to repeal all acts or parts of acts relative to the incorporation of the village of Yale.

The People of the State of Michigan enact:

Territory,
description of.

SECTION 1. The following described territory, to-wit: All of the southeast quarter of section ten, the southwest quarter of section eleven, the northwest quarter of section fourteen and the northeast quarter of section fifteen, town number eight north, of range fourteen east, county of St. Clair and State of Michigan, is hereby constituted a city incorporate of the fourth class, to be known as the city of Yale.

Wards,
boundaries of.

SEC. 2. The said city shall be divided into three wards. The first ward shall embrace all that portion of said city lying south of the center line of Wood street. The second ward shall embrace all that portion of said city lying between the center line of Wood street and the center line of North street in said city. The third ward shall embrace all that portion of said city lying north of the center line of North street in said city.

City, powers
and duties of.

SEC. 3. The said city of Yale shall, in all things not herein otherwise provided, be governed and its powers and duties

defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of Michigan of eighteen hundred ninety-five, approved May twenty-seven, eighteen hundred ninety-five, and all acts amendatory thereof, which said act, as the same is now or hereafter may be amended, is hereby made and constituted a part of the charter of said city of Yale.

SEC. 4. The officers of the village of Yale, at the time this act shall take effect, shall also be the officers of the city of Yale, until their successors are elected and qualified, that is to say: The president of said village shall be the mayor of said city; the clerk, treasurer and assessor of said village shall be the clerk, treasurer and supervisor of said city; the members of the boards of trustees of said village shall be the council of said city; the village attorney, marshal, street commissioner and health officer of said village shall be respectively the city attorney, marshal, street commissioner and health officer of said city and shall perform the duties of their respective offices and be governed by the provisions of said act number two hundred fifteen of the public acts of eighteen hundred ninety-five and the amendments thereto, except in so far as the same may be inconsistent with the provisions of this act, the same as if the city was incorporated in the manner provided in said act: City, officers of, etc. Provided, That justices of the peace who shall be elected at the first election held in the city of Yale, under this act, shall enter upon the duties of their respective offices immediately upon filing their bonds with the county clerk and otherwise qualifying for the said offices. Proviso.

SEC. 5. All elective officers of said city shall first be elected on the first Monday of April, nineteen hundred six. The council is hereby authorized to make full provision for the registration of electors, and for holding the said first election under said act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and the amendments thereto, in the several wards of said city. Election, when held. Registration.

SEC. 6. The mayor and aldermen of said city shall receive compensation as follows: The mayor shall receive a salary of fifty dollars per annum; the aldermen shall receive each one dollar for every regular and special meeting of the council, which they shall actually attend, and the further compensation of twenty-five cents per hour for each hour actually engaged at work on duties as members of the various committees. Mayor and aldermen, salaries.

SEC. 7. All rights of action, demands, credits, choses in action and property of whatsoever nature or name, belonging to or existing in favor of said village of Yale, shall hereafter remain and be the debt, demands, property and rights of action and choses in action of the said city of Yale, and it shall have all the right and authority to enforce the same Credits, debts, etc., assumed by city.

that was possessed by said village of Yale. And all debts, demands and rights of action now existing against the said village of Yale shall be assumed by said city of Yale, and shall hereafter become and remain debts, demands and rights of action against the said city of Yale.

Ordinances,
etc., in force.

SEC. 8. The ordinances, rules and regulations of the village of Yale not inconsistent with the provisions of this act, are hereby continued in full force and effect until legally amended or repealed by the proper authorities of said city.

Boundaries of
school district
not changed.

SEC. 9. The incorporation of said city of Yale shall in no way change or affect the boundaries of school district number one of the township of Brockway, but the same shall continue as heretofore, and no change shall be made in the manner or time of electing the district officers of said school district, or in the management or control of said district, except that the taxes voted for school purposes in said district shall be apportioned at or before the time of meeting of the board of supervisors of St. Clair county in annual session, in October in each year, by the supervisor of the said city of Yale and the supervisor of the said township of Brockway.

Election,
manner and
time of.

Apportion-
ment of taxes.

Supervisor
to assess
property.

SEC. 10. The city of Yale shall comprise a single assessment district and assessments of property and spreading of taxes shall be made thereon by a city supervisor at large, who shall be elected at the regular city election, excepting that the first supervisor shall be elected as herein provided at the first election held in said city. The said supervisor shall hold his office for one year and until his successor is elected and qualified, and shall be a member of the board of supervisors of said county of St. Clair, and as a member of such board he shall be entitled to receive the same compensation as other supervisors for attendance on said board, and he shall have all the rights, privileges and powers of the other members of said board of supervisors, and no other supervisor shall be elected in said city.

Term of office.

Compensation.

Board of
public works,
when created.

SEC. 11. It shall not be necessary for the city of Yale to create and constitute a board of public works as provided in chapter twenty-eight of act number two hundred fifteen of the public acts of eighteen hundred ninety-five and the amendments thereto, unless the council of said city shall so determine by a two-thirds vote of all the aldermen-elect. Until such board of public works is established, all the duties of said board of public works shall be performed by the council of said city. Whenever the council of said city shall, by a two-thirds vote of all the aldermen-elect, determine to create and constitute a board of public works, the provisions of said chapter twenty-eight, etc., shall be in full force and effect in said city.

Liabilities,
how paid.

SEC. 12. The rights and liabilities, as between the city of Yale and the township of Brockway, shall be adjusted according to the provisions of act number thirty-eight of the

public acts of eighteen hundred eighty-three, entitled "An act to provide for adjustment of rights and liabilities on division of territory of cities and townships," and any liability accruing to the city of Yale, by reason of the detachment of the territory from said township of Brockway, shall be paid from a tax levied upon the territory in the city by reason of whose detachment the liability was incurred.

SEC. 13. All acts or parts of acts relative to the incorporation of the village of Yale are hereby repealed. Acts repealed.

This act is ordered to take effect March one, nineteen hundred six.

Approved June 7, 1905.

[No. 617.]

AN ACT to amend sections one, three and four of chapter eight of an act, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three as amended.

The People of the State of Michigan enact:

SECTION 1. Sections one, three and four of chapter eight of the charter of the city of Detroit are hereby amended so as to read as follows: Sections amended.

SECTION 1. The commissioner of public works, the commissioner of police, the commissioner of parks and boulevards, board of fire commissioners of the city of Detroit, the board of health and the board of education of the city of Detroit shall respectively transmit to the city controller, on or before the first Tuesday of February in each year, their estimates of the amount of money required for their respective departments for the ensuing fiscal year; and the city controller, on or before the first Tuesday in March, shall transmit the same to the common council, together with his estimate of the amount of money required to be raised for the purposes of each of the funds constituted by this charter: Estimates of boards, to whom transmitted.
 Provided, That he may at any time before the expiration of the time within which the common council is required to act upon said estimates, transmit to the common council supplemental estimates, which, by mistake or otherwise, may have been omitted in the estimates aforesaid. Controller to transmit to council.
 The common council shall consider such estimates and may revise or alter said estimates, but not so as to exceed the aggregate amount authorized by law to be raised by taxation, and when such revision shall be completed and adopted, they shall transmit such revised estimates to the board of estimates on or be- Proviso.
Common council, duties of.

Proviso.

Board of estimates to report, etc.

Duties of controller and commissioners.

Members of board to be resident electors
Officers to be ex-officio members.

Oath of office.

Compensation.
Officers of board.

Meetings of.

for the twenty-eighth day of March: Provided, It shall not be required to submit to the board of estimates so much of the revised estimates as shall be required to raise money for the payment of debts or liabilities theretofore duly and lawfully contracted, or for moneys which may be required for the payment of salaries fixed by law or otherwise required by law to be levied. Said estimates so transmitted by the common council shall be considered by the board of estimates, and they shall report the amounts of money which, for the purposes of the several funds and for the several departments aforesaid, they shall have consented to be raised by taxation. And no money shall be raised by taxation for any of said departments or for any of said funds, unless by consent of said board, excepting for the payment of debts and liabilities theretofore lawfully contracted, or for the payment of salaries fixed by law, or otherwise required by law to be levied. It shall be the duty of the controller and the said commissioners and boards to furnish to the common council and to the board of estimates such information as may be necessary for the proper consideration of said estimates.

SEC. 3. All members of said board shall be resident electors of said city and hold their office until their successors shall be elected and qualified. The following officers of said city shall be ex officio members of said board and shall have the right to participate in its deliberations but shall not have the right to vote, to-wit: The president and chairman of the committee on ways and means of the common council; the city controller; corporation counsel; commissioner of public works; commissioner of parks and boulevards; commissioner of police; the president of the board of education; the president of the Detroit library commission; the president of the board of health; the president of the board of water commissioners; the president of the public lighting commission; the president of the board of poor commission; the president of the fire commission; the senior member of the board of inspectors of the house of correction. The members of said board shall, before entering upon the discharge of their duties, take and subscribe and file in the office of the city clerk the same oath of office as is prescribed in the charter of said city to be taken by city officers. The members of said board shall receive as compensation five dollars for each daily session of the board. Said board shall annually elect one of their number president, who shall preside at its meetings; and, if he be absent or incapacitated from performing his duties, the board may appoint a president pro tempore. The city clerk shall be ex officio secretary of said board and shall keep a record of its proceedings. The first meeting of said board shall be held annually on the first Monday in March at ten o'clock in the forenoon; and the first meeting thereafter, for the purpose of considering

the estimates, shall be held on the eighth day of April, or, if said day should fall on Sunday, then the next secular day thereafter; and may meet at such other times as the common council may by resolution or ordinance provide. The meetings of said board shall be held in a suitable room to be provided by the common council, and if no provisions be made therefor, then the same shall be held in the common council chamber. The board may adjourn from time to time: Provided, That the meeting, which shall be held annually to consider the estimates for the annual general taxes for city purposes shall not be adjourned to a time subsequent to the thirtieth day of April. The board shall have the right to call upon the common council or upon any officers or boards of the corporation for further report or for any information which it may require for the purpose of estimating any amount to be raised, or in reference to any other matter pending before such board. It shall also have the right to inspect the official books and papers of said officers or boards.

Proviso.

Right to inspect books, etc.

SEC. 4. Before any moneys shall be raised or taxes levied and collected for the purpose of the several funds mentioned in the charter of the city of Detroit, and acts amendatory thereof, except interest and sinking funds, for the purpose of which moneys are required to be raised by other acts relating to said city, which require estimates for taxes to be submitted by the city controller or other officers and boards, the estimates of the amount of moneys required for such funds, or purposes by tax, shall be submitted to said board of estimates; and before any bonds shall be issued said issue shall be authorized by said board of estimates. The estimates for the general city taxes shall be acted upon by the common council as provided by law, and supplemental estimates which by mistake or otherwise may have been omitted in the estimates as submitted by the common council may be submitted to said board of estimates at any time before the final date of their adjournment. Said board shall carefully consider all estimates hereby required by the act to be submitted to it of moneys to be raised as aforesaid, and shall approve or disapprove the same. It may decrease the amount to be raised but shall not increase the same. The said board shall have the power and it shall be its duty, after careful consideration of the various estimates referred to it, if it shall deem it advisable so to do, to disallow any item, items or parts of items, in the different funds as well as in the gross amounts thereof, as the said board may deem advisable, and it shall be unlawful for the common council of said city to create any expenditure or expend any moneys as to items specifically disallowed and disapproved by such board of estimates. The said board of estimates may authorize the issuing of bonds by a majority vote of all the members elect, in all cases whenever such proposition has been duly and lawfully referred to said board for its action, by the said com-

Estimates to be submitted before tax levy, etc.

Supplemental estimates.

Board may decrease but not increase amount.

May disallow items, etc.

May authorize bond issue.

mon council, and a majority vote of all the members elect of said board shall also be required to authorize or approve of any such estimates for different funds, or any part thereof, to be raised by taxation.

Approved June 7, 1905.

[No. 618.]

AN ACT to incorporate the city of Au Gres in the county of Arenac, as a city of the fourth class.

The People of the State of Michigan enact:

Territory detached.

SECTION 1. The territory in the county of Arenac and State of Michigan described as follows, to wit: Entire section thirteen, the north half of the north half of section twenty-four, in township nineteen north of range six east, is hereby detached from the township of Au Gres in said county; and the west half of the west half of section eighteen, and the west half of the northwest quarter of section nineteen in township nineteen north, of range seven east, is hereby detached from the township of Whitney in said county, and the territory so detached from the townships of

Incorporation.

Au Gres and Whitney, is hereby incorporated, made, constituted and organized into a city to be known as the city of Au Gres.

Wards, what to embrace.

SEC. 2. The said city shall be divided into two wards. The first ward shall embrace all that portion of said city lying south of the center line of the East Saginaw and Au Sable State road running through said city. The second ward shall embrace all that portion of the city lying north of the center line of said State road.

City, how governed, etc.

SEC. 3. The said city of Au Gres shall, in all things not herein otherwise provided, be governed and its powers and duties defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of eighteen hundred ninety-five, approved May twenty-seven, eighteen hundred ninety-five, and all acts amendatory thereof, which said act, as the same is now, or hereafter may be amended is hereby made and constituted a part of the charter of the said city of Au Gres.

Election commissioners.

SEC. 4. For the purpose of holding the first election in said city James Grimore, William A. Hill and William G. Hannan are hereby designated as commissioners whose duty it shall be, immediately after the passage and approval of this act, to call a special election in said city, and shall give notice by bills posted in four of the most public places in

Special election, notice of, etc.

each ward of the time and place in each ward of holding said election, and of the city and ward officers to be elected and of the place in each ward where the inspectors of election shall meet on the Saturday next preceding the election to make a registration of the electors of said city. Said commissioners shall procure books of registration of the form required by law for each ward and deliver the same to the election inspectors of the respective wards, and shall procure all other books, papers, pencils and materials necessary to conducting the first election in said city. No elector shall be entitled to vote until he shall have first been registered in the ward where he resides, and such commissioners shall receive and canvass the votes of the several wards as returned by the inspectors, and shall determine the results and shall issue certificates of election to each of the successful candidates, and shall perform such other duties as shall be necessary to conduct the first election in said city.

Registration.

Canvass of votes.

SEC. 5. Louis Louvigny, Albert Townsend and Will Stevens shall act as inspectors of election for the first election in the first ward of said city, and George H. Grimore, E. O. Ritchie and Herbert M. Sproule shall act as inspectors of election for the first election in the second ward of said city.

Election inspectors.

SEC. 6. The mayor and aldermen of said city shall serve without compensation.

Compensation of mayor and aldermen.

SEC. 7. The rights and liabilities as between the city of Au Gres and the townships of Au Gres and Whitney shall be adjusted according to the provisions of act number thirty-eight of the public acts of eighteen hundred eighty-three, entitled "An act to provide for adjustment of rights and liabilities on division of territory of cities and townships."

Rights and liabilities, how adjusted.

SEC. 8. The incorporation of said city of Au Gres shall in no way change or affect the boundaries of the school district or districts in which said city may be situated, but the same shall continue to be a graded or primary district, as the case may be, and no change shall be made in the manner or time of electing its district officers or in the management or control of said district, except that the taxes voted for school purposes in said district shall be apportioned at or before the time of meeting of the board of supervisors of Arenac county in annual session in October of each year, by the supervisor of said city of Au Gres and the supervisors of the said township of Au Gres and Whitney.

Incorporation not to affect boundaries, etc.

Apportionment of taxes etc.

SEC. 9. The city of Au Gres shall comprise a single assessment district and assessments of property and spreading of taxes shall be made therein by a city supervisor at large, who shall be elected at the regular city election except that the first supervisor shall be elected at the first election held in said city. The said supervisor shall hold his office for one year or until his successor is elected and qualifies, and shall be a member of the board of supervisors of said county of Arenac, and as a member of said board he shall be entitled to receive the same compensation as other supervisors for

Supervisor, when elected.

Term of office.

Salary, powers, etc.

attendance on said board, and he shall have all the rights, privileges and powers of the other members of said board of supervisors, and no other supervisors shall be elected in said city.

Board of
public works,
not necessary
to create.

SEC. 10. It shall not be necessary for the city of Au Gres to create and constitute a board of public works as provided in chapter twenty-eight of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and amendments thereto, unless the council of said city shall determine by a two-thirds vote of all the members elect. Until such board of public works is established all the duties of said board of public works shall be performed by the council of said city. Whenever the council of said city shall by a two-thirds vote of all the aldermen-elect, determine to create and constitute a board of public works the provisions of said chapter twenty-eight of act number two hundred fifteen of the public acts of eighteen hundred ninety-five and the amendments thereto, shall be in full force and effect in said city.

When created,
how governed.

Liquor deal-
ers, how may
obtain sure-
ties.

SEC. 11. Persons engaged in the business of selling liquors at retail under act three hundred thirteen of the public acts of eighteen hundred ninety-seven and amendments thereto, may obtain the sureties upon the bonds required by said act in said city of Au Gres or within any township contiguous thereto.

This act is ordered to take effect March one, nineteen hundred six.

Approved June 7, 1905.

[No. 619.]

AN ACT to provide for the payment of salaries to the prosecuting attorney, clerk, treasurer, probate register and circuit court commissioner of Livingston county, Michigan, and to repeal all acts or parts of acts contravening the provisions of this act.

The People of the State of Michigan enact:

County offi-
cers, salaries
of.

SECTION 1. The board of supervisors of Livingston county, Michigan, is hereby empowered to pay the prosecuting attorney, clerk, treasurer, probate register and circuit court commissioner out of the county treasury such annual salaries as the board of supervisors may determine as hereinafter provided. Such salaries shall be fixed and determined by said board at the first meeting of the board in the year in which the election of said officers shall take place, and every two years thereafter prior to the commencement

of the terms of said officers: Provided, That the salaries shall not be less than the sum of one thousand dollars for the prosecuting attorney, one thousand dollars for the county clerk, one thousand dollars for the county treasurer, six hundred dollars for the probate register and four hundred dollars for the circuit court commissioner, per annum. The salaries aforesaid shall be paid monthly by the county treasurer upon a warrant issued by the county clerk. Proviso.

SEC. 2. All acts or parts of acts contravening any of the provisions of this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 620.]

AN ACT to amend sections nine and eleven of House enrolled act number one hundred sixty-six, approved April thirteen, nineteen hundred five, entitled "An act to provide for primary elections in Alpena county and to prescribe a penalty for violations thereof."

The People of the State of Michigan enact:

SECTION 1. Sections nine and eleven of House enrolled act number one hundred sixty-six, approved April thirteen, nineteen hundred five, entitled "An act to provide for primary elections in Alpena county and to prescribe a penalty for violations thereof," are hereby amended to read as follows: Sections amended.

SEC. 9. It shall be the duty of each of the boards of registration in the several voting precincts in the said county and wards of the city of Alpena, in addition to all other duties now required of them by law, at the same time and place now required of them by law, for meeting of the said boards, to register in a separate book to be furnished and kept for that purpose, all qualified electors who will be entitled to vote in such precincts at the next election held therein, except those electors who shall decline to declare to such several boards their party affiliation, and when so registered such electors may vote at the primary elections provided to be held in this act, but no elector not so registered shall be entitled to vote at such primaries. The electors applying for registration to vote in such primaries shall furnish said boards the following detailed information: Registration boards, duties of.

- (a) His name;
 - (b) His age;
 - (c) His place of residence in said precinct;
 - (d) Whether native or naturalized;
- Register of qualified electors.
- Electors to give detailed information.

(e) The name of the political party with which he has been affiliated;

(f) The name of the political party with which he intends in the future election to be affiliated.

Separate
columns in
register.
When may
refuse to
register.

County clerk
to furnish
books.

City recorder
to furnish reg-
istration
books.

Books, where
kept.

Open to party
inspection.
Duty of
recorder and
clerks.

Register,
to whom
returned.

Proviso.
Registration,
when made.

All of such detailed information so furnished by electors to such board shall be set down in said book in separate columns opposite the name of said elector so registered. If in the event that any elector refuses to furnish said board with said information, it shall be the duty of said board to refuse to register the said elector so refusing, and he shall not be entitled to vote at such primaries. It is hereby made the duty of the county clerk for said Alpena county to purchase and furnish to each of the boards of registration in the several voting precincts in the townships of the county of Alpena, books for the proper registration of said electors and said books shall be known as the primary election register. It shall be the duty of the said recorder of the city of Alpena to procure and furnish to the boards of registration in the various wards of said city, books for the proper registration of said electors and said books shall be known as the primary election register. The cost and expense of furnishing said books above referred to shall be paid for by the county of Alpena and the city of Alpena, as the case may be. Said registration books, when said boards have finished the registration of voters in the said several precincts, shall in the city of Alpena be returned to and kept by the said recorder; and in the several townships shall be returned to and kept by the township clerk in his office. All of said books, when so returned and in the office of the said recorder of the city of Alpena, and in the clerk's office of the townships, shall be opened to party inspection at all convenient times. It is hereby made the duty of the said recorder to deliver said primary election registers to the chairmen of the various boards of primary election in said city before the opening of the polls on the day any primary election is to be held in said city. It is hereby made the duty of each of the several township clerks to deliver said primary election registers to the chairmen of the boards of said primary election inspectors on the day, and for use, at any primary election to be held in the said several townships. After the close of the polls and the canvass of the votes has been completed by the various boards, the primary election inspectors shall return to said register forthwith to the said recorder of the city of Alpena and to the clerks of the various townships of the county of Alpena: Provided, That such registration shall be made only once in two years. The first registration under this act shall be made in the several townships of the county of Alpena and in the several wards of the city of Alpena on the second Tuesday and Wednesday in the month of March, nineteen hundred six, and a new registration shall be made every two years thereafter on the second Tuesday

and Wednesday in the month of March: Provided further, Proviso. That in each year and preceding any election, said boards of registration are authorized to revise and correct the same and to register electors whose names do not already appear in the said registration books.

SEC. 11. The polls in the several voting precincts on the day fixed for holding primary elections shall be and remain open for the purpose of voting from twelve o'clock noon until eight o'clock p. m. local time: Proviso. Provided, That in the townships the polls shall be and remain open for the purpose of voting from one o'clock p. m. until five o'clock p. m. local time. The polls shall be opened by proclamation and proclamation shall be made that the polls will be closed at least one-half hour before the closing of the same. Polls, when open.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 621.]

AN ACT to amend act number two hundred forty-nine of the local acts of eighteen hundred seventy-one, entitled "An act to incorporate the city of Alpena," as amended, by adding thereto a new section to stand as section ninety-eight.

The People of the State of Michigan enact:

SECTION 1. Act number two hundred forty-nine of the local acts of eighteen hundred seventy-one, entitled "An act to incorporate the city of Alpena," as amended, is hereby amended by adding thereto a new section to stand as section ninety-eight, to read as follows: Act amended.

SEC. 98. The common council shall have, in addition to all other powers herein contained, the power to fix and assess by ordinance, by resolution or otherwise, all rates to be paid for having and using water, or electricity for any purpose from the water works or electric light works, that are now or may be hereafter owned or controlled by the said city of Alpena. Such rates shall, from and after the first day of July in each year, be a continuing lien until paid upon the lots, parts of lots, and parcels of real estate and premises on which water or electricity is used; the said rates shall also be a charge against the person using water or electricity until paid. Said common council is hereby given the power and authority to pass an ordinance or ordinances prescribing the form and manner in which said water rates or electric light rates shall be assessed, the time when such assessment shall be paid, with or without interest; the manner of collecting and enforcing the payment of the same; the form Power to fix water and electric light rates. Rates to be lien, etc. Power to pass ordinance, regarding assessment of rates, etc.

Property may
be sold to pay
assessments.

Treasurer au-
thorized to
sell property.

May issue
deed or cer-
tificate of
sale.

Plumbers to
obtain license.

Council to
determine
form of, etc.

of such assessment roll or rolls, and provide that the same roll or rolls may be used from year to year by revising, correcting and adopting the same; the form and manner and to what officer the assessment roll or rolls made for the collection of such water rates or electric light rates are to be returned when delinquent; the form and manner in which the lien hereby created upon such property on which water and electric lights are used may be enforced, and provide that said real estate and property may be sold to pay and discharge such assessments, the manner in which the said lien of the city of Alpena under such assessment may be foreclosed, and the form and kind of certificate or deed that may be issued upon the sale of any such property, when said assessments are delinquent, to satisfy the lien hereby created under such assessments. Said common council may by such ordinance or ordinances provide that said assessment roll or rolls may be returned when delinquent to the treasurer of the county of Alpena; the said treasurer of the county of Alpena is hereby authorized, if so designated in such ordinance or ordinances and given the authority therein, to sell the said property described in said assessment roll or rolls to satisfy the lien of said city for water or electric light rates so assessed, and said treasurer of the county of Alpena may be therein empowered to make such sale, as may be authorized in such ordinance or ordinances at the same time and in the same manner he is now authorized under the laws of this State to sell real estate, returned to his office as delinquent, for other taxes assessed thereon, and in such case, upon such sales, said county treasurer may be authorized and empowered by such ordinance or ordinances to issue certificates of sale or deeds conveying the title of the property so sold to the person or persons so purchasing such real estate or property so provided to be sold for said water or electric light rates. The common council is hereby empowered to require by ordinance, by resolution or otherwise all plumbers to apply for and obtain a license from said city in all cases where said plumbers desire to perform any work in the line of plumbing within said city in any manner connected with the water pipes, or gas pipes or other pipes or connections therewith in any of the streets, alleys or public places in said city; the said council may fix and determine the manner in which said licenses may be issued, the form of the same, the time during which said licenses shall be enforced and the fees to be paid for the same, as well as the qualifications of such plumbers.

This act is ordered to take immediate effect.

Approved June 7, 1905.

AN ACT to amend section three of title one of act number four hundred five of the local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Lansing, in the county of Ingham, and to repeal all acts and parts of acts in conflict therewith," as amended.

The People of the State of Michigan enact:

SECTION 1. Section three of title one of act number four hundred five of the local acts of Michigan of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Lansing, in the county of Ingham, and to repeal all acts and parts of acts in conflict therewith," is hereby amended so as to read as follows: Section amended.

TITLE I.

SEC. 3. Said city shall be divided into six wards, as follows: The first ward shall consist of all that part of said city north of the center line of Sheridan street, continued to the east line of the city limits and the north line of lots seven and eight, block eighteen, lots fourteen and fifteen, block twenty-one, and lot six, block twenty-three, to Grand river, and east and north of Grand river; the second ward shall consist of all that part of said city south of the center line of Shiawassee street, continued to the western line of the city, to the center line of Washtenaw street so continued, and west of Grand river; the third ward shall consist of all that part of said city lying south of the center line of Washtenaw street, continued to the western line of the city, and west of the center line of Washington avenue and north of Grand river; the fourth ward shall consist of all that part of said city north of the second ward, west and south of Grand river; the fifth ward shall consist of all that part of said city lying south of the first ward and east of Grand river, and north of the center line of Main street, continued to the east line of the city; the sixth ward shall consist of all that territory lying south of the center line of Washtenaw street and east of the center line of Washington avenue and west of Grand river, and all that part of said city lying south of Grand river and the fifth ward. In case of the taking effect of this act and the changing of ward boundary lines within twenty days immediately preceding the day of the regular city election in nineteen hundred five, such change of boundary lines shall not affect the residence of any elector and his right to register and vote in the ward in which he shall reside on the day of such election: Provided, That he shall have resided the full twenty days prior to election within Wards, division, boundaries of.

Change of boundaries not to affect residence.

Proviso.

the territory transferred by this act from one ward to another.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 623.]

AN ACT providing for two voting precincts for the township of Matchwood, in the county of Ontonagon, defining the limits thereof, providing for a new registration of the voters thereof, and determining who shall be inspectors of election therein.

The People of the State of Michigan enact:

Voting
precincts.

SECTION 1. The votes of the township of Matchwood, in the county of Ontonagon, shall be cast in two separate precincts at all general, regular, special and township elections held therein.

Notice of
township
division.

SEC. 2. Ten days' previous notice of such division of the township into two voting precincts shall be published by authority of said inspection board, by posting written or printed notice of the same, as provided by law for such elections.

Precincts,
description
of territory.

SEC. 3. The following described territory in said township shall constitute and be denominated election precinct number two, to wit: All the land in said township embraced in townships number forty-eight north, of range forty-three west, and number forty-nine north, of range forty-three west; and the west half of townships number forty-eight north, of range forty-two west, and the west half of township forty-nine north, of range forty-two west; and all of the rest and remainder of said township of Matchwood as now organized and not embraced in the said townships number forty-eight north, of range forty-three west, and number forty-nine north, of range forty-three west, and the west half of township forty-eight north, of range forty-two west, and the west half of township forty-nine north, of range forty-two west, above described, shall constitute and be denominated election precinct number one.

Inspectors,
who to
constitute.

SEC. 4. The supervisor and two justices of the peace whose term of office will soonest expire shall constitute the board of inspectors of voting precinct number one; and the township clerk and the remaining two justices of the peace shall constitute the board of inspectors of voting precinct number two.

Polling places.

SEC. 5. All electors residing in precinct number two, as thus defined, shall cast their ballots at such place within said precinct as the township board of said township shall determine as the polling place of said precinct number two; and all electors residing in precinct number one, as thus de-

fined, shall cast their ballots at such place within said precinct as the township board shall determine as the polling place of said precinct number one.

SEC. 6. After the polls are closed the inspectors of election of each precinct shall proceed to count the votes of their respective precincts separately, and after they are so counted and found, or made to correspond with the poll list, the two boards shall meet in joint canvass, in precinct number one, and the consolidated report shall be the official canvass of said township.

Joint canvass
of votes.

SEC. 7. At twelve o'clock meridian, of the day of any general, regular or special election, the electors of said township shall meet at the polling place of election precinct number one, and shall then and there elect such officers and transact such other business as is usually transacted at township meetings by viva voce vote, or in such manner as the meeting may direct.

Officers, when
elected, etc.

SEC. 8. The township board of said township shall provide at the expense of said township, two books in which to register the qualified electors of said township, one of which shall be used for voting precinct number one, and the other for voting precinct number two, in which shall be registered the names of the qualified voters of the respective precincts, as provided by existing law. The names of persons in the existing books of registration may be transcribed into the books required by this section, under the direction of the board of registration of the township, so that they will be included in the books of registration of the precinct of their residence. The registration board of said township shall meet at the place provided by existing laws.

List of quali-
fied voters.

SEC. 9. The board of registration shall hold meetings for the purpose of making a registration of the voters of said township, according to the provisions of this act, on the two Saturdays next preceding the next annual township meeting, and thereafter shall hold meetings as provided by existing law, at all general, regular, special and township elections in said township; the board of inspectors of election in each precinct shall have and exercise the same power in respect to registering voters on election day, in their respective precincts, as is conferred upon inspectors of election by existing law.

Meetings of
registration
board, when
held.

Inspectors,
powers of.

SEC. 10. At any such election, and as soon at least as the poll is opened, the township clerk shall cause the said books of registration to be placed in the hands of the board of inspectors of election of the proper precinct, to be used by such boards during the election, and to be returned to the clerk immediately thereafter. The township board and the board of registration shall be composed of the persons, and have all the powers provided for by the existing law, except as is otherwise provided in this act.

Clerk, duties
of.

This act is ordered to take immediate effect.

Approved June 7, 1905.

AN ACT to amend act number four hundred thirty-four of the local acts of the State of Michigan for the year eighteen hundred ninety-five, approved May twenty-four, eighteen hundred ninety-five, entitled "An act to incorporate the city of Three Rivers, and to repeal act number one hundred sixty-one, of the session laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteen, eighteen hundred fifty-five, and all amendments thereto," by adding one new section to chapter three of said act number four hundred thirty-four to stand as section twenty-six of said chapter three; by amending section seven of chapter five of said act; by amending section forty of chapter seven of said act; by amending section one, as amended, of chapter eleven of said act; by amending sections two, three, four, five, six and eight of chapter eighteen of said act; by amending section six, as amended, of chapter twenty-two of said act; by amending section three and sections four, five and eight, as amended, of chapter twenty-seven of said act; and by repealing all of chapter thirty-one of said act.

The People of the State of Michigan enact:

Act
amended.

SECTION 1. Act number four hundred thirty-four of the local acts of the State of Michigan for the year eighteen hundred ninety-five, approved May twenty-four, eighteen hundred ninety-five, entitled "An act to incorporate the city of Three Rivers and to repeal act number one hundred sixty-one of the session laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteen, eighteen hundred fifty-five and all amendments thereto," hereby is amended by amending section seven of chapter five of said act and section forty of chapter seven of said act, and section one, as amended, of chapter eleven of said act, and sections two, three, four, five, six and eight of chapter eighteen of said act, and section six, as amended, of chapter twenty-two of said act, and section three and sections four, five and eight, as amended, of chapter twenty-seven of said act; and said several sections of the said several chapters of said act four hundred thirty-four, as said sections of said chapters are hereby amended, shall read as hereinafter set forth. All of chapter thirty-one of said act number four hundred thirty-four is hereby repealed.

CHAPTER V.

NOTICE OF REGISTRATION.

SEC. 7. At least two weeks previous to the commencement of any such session of the several boards of registration, the council shall fix the place in each ward and voting precinct of the city where the board of registration will meet, and at least eight days before such session of the board the city clerk shall give notice by hand bills posted in three of the most public places in each ward or voting precinct, and by publication by one insertion in one or more newspapers printed in the city, of the time and place in each ward or voting precinct when and where the board of registration for such ward or voting precinct will meet. And except as in this act otherwise provided the general laws of this State relating to the registration of electors in cities, shall apply to the registration of electors in the city of Three Rivers.

Registration place.

Notice.

CHAPTER VII.

COMPENSATION OF OFFICERS.

SEC. 40. The mayor and aldermen may each receive such compensation, not exceeding fifty dollars per year, as may be prescribed by the council. The city marshal, clerk, treasurer, city attorney and engineer of the fire department, shall each receive such compensation as the council shall determine. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them, shall be two dollars per day for the time actually employed. Justices of the peace, constables and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services, by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

Salaries.

CHAPTER XI.

GENERAL POWERS OF CITY CORPORATION.

SECTION 1. The city shall, in addition to such other powers as are herein conferred, have the general power and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto and for the exercise

Ordinances, etc.

May impose
fines, etc.

of the same, as it shall deem proper. Whenever the council shall pass ordinances or any ordinance in reference to any of the matters mentioned in this chapter, it shall have the right to therein provide and impose such fines, penalties, forfeitures and imprisonment, for the violation thereof, as are authorized by the provisions of chapter nine of this act; and such right and power to impose such fines, penalties, forfeitures and imprisonment shall exist in all cases, even though the section of this chapter or the sub-division of this section, under which such ordinance shall be passed, does not authorize punishment for the violation of such ordinance.

Gambling,
immorality.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent and disorderly conduct or assemblages; to prevent and quell riots; to preserve peace and good order and protect the property of the corporation and of its inhabitants and of any association, public or private corporation or congregation therein, and to prohibit injuries thereto and unlawful interference therewith;

Vagrants,
disorderly
persons, etc.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk at any place within the city, disorderly persons and persons conducting themselves in a disorderly manner and common prostitutes;

Nuisances,
etc.

Third, To prohibit and prevent injury and annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to promote or cause disease; to prohibit, prevent and abate nuisances, to punish the person or persons causing such nuisances or neglecting or refusing to abate, discontinue or remove the same; and generally to determine and declare what shall be deemed nuisances;

Houses of
ill fame, etc.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Billiard
rooms, etc.

Fifth, To license and regulate billiard tables, nine or ten pin alleys or tables, pool tables, pigeon hole tables, ball alleys and bowling alleys; to prohibit and prevent minors under the age of twenty-one years, from being in the room or place where such tables or alleys are kept or used; to prohibit the proprietor of such tables or alleys and his clerks, agents and employes from allowing or permitting such minor to be in such room or place; and to prescribe the conditions and regulations under which such minors may be allowed to be in such room or place;

Gaming.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Liquors.

Seventh, To prohibit and prevent the selling, giving or furnishing, either directly or indirectly, any spirituous, malt, brewed, fermented, vinous or intoxicating liquor, any mixed liquor or liquid containing any spirituous, malt, brewed, fer-

mented or vinous liquor, to any minor under the age of twenty-one years, to any habitual drunkard, to any intoxicated person, and to any person in the habit of becoming intoxicated; and in case any ordinance shall be passed under and by virtue of the provisions of this subdivision, upon a prosecution for the violation of such ordinance, the fact of selling, giving or furnishing, in any place where any of such liquors are sold or kept for sale, any liquid to any minor, drunkard, intoxicated person or persons in the habit of becoming intoxicated, shall be prima facie evidence of the selling, giving or furnishing of some one of the above mentioned liquors, and of an intent to violate such ordinance;

Eighth, To license, regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all other exhibitions of every name and nature for which money or reward may in any manner be demanded, charged or received; lectures on historic, literary or scientific subjects excepted;

Theatrical exhibitions, etc.

Ninth, To prevent and prohibit violations of the Sabbath day; to prevent and prohibit disturbance of any religious meeting, congregation or society and any public meeting assembled for any lawful purpose; and to require and to compel all places of business to be closed on the first day of the week, commonly called Sunday.

Sabbath day.

Tenth, To license auctioneers, auctions and sales at auction; to license, regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to license, regulate or prohibit the sale of goods, wares, property, or anything at auction or by any manner of public biddings or offers by the buyer or seller after the manner of auction sales, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales authorized by law to be made at auction or public vendue;

Auctions, etc.

Eleventh, To license and regulate hawkers, peddlers and pawnbrokers and hawking and peddling; to license, regulate or prohibit the sale or peddling of goods, wares, merchandise, refreshments, patent medicines, nostrums, compounds or preparations of any kind to be used as medicines, liniments or exterior applications, and any kind of property or thing, by persons going about from place to place in the city for that purpose; or from any stand, cart, vehicle or other device in or upon the streets, highways, alleys, sidewalks, boats, open places or spaces, whether public or private, and public grounds or buildings in the city; or from any building in the city by persons going about upon the streets crying such property or advertising the same on foot, or with wagons or other vehicles, or by means of songs, speeches, music, performances or other devices which tend to attract or draw a crowd of people together;

Pawnbrokers, hawkers, etc.

Saloons,
taverns, etc.

Twelfth, To license and regulate taverns and eating houses; to license, regulate and restrain, or suppress, saloons and other places, except drug stores, for the sale of spirituous, malt, brewed, fermented, vinous and intoxicating liquors and saloons and other places, except drug stores, where such liquors are sold or kept for sale; to prescribe the location or districts in the city where such saloons and other places, if not suppressed, may be kept, and to designate and specify the situation and description of the room or place which may be occupied for the purpose of selling or keeping for sale any of such liquors, and to restrict such sale or keeping for sale to such room or place; to require all such saloons and other places to be closed on Sunday and on every legal holiday and on every regular or special election day, whether general or municipal, and to be and remain closed from ten o'clock in the afternoon of the day preceding any such Sunday, legal holiday or election day, until seven o'clock in the morning of the day succeeding any such Sunday, legal holiday or election day; to require every such saloon to be closed at ten o'clock in the afternoon of every day on which they are allowed by law to be open, and to remain closed until seven o'clock in the morning of the next succeeding day on which by law they would be allowed to be open; and to prohibit and to prevent at all times, when such saloons and other places are required to be closed, all obstructions of every description, in any part of such room or place, which will prevent or tend to prevent people passing along such street, sidewalk or alley, from plainly seeing all parts of such room or place and all persons and objects therein: Provided, Any license tax which may be imposed by said city on such saloons and other places, shall not exceed the sum of five hundred dollars per annum; and such tax shall be in addition to the tax imposed by the general statutes of this State, upon the business of selling or keeping for sale such liquors;

Proviso.

Vehicles, etc.

Thirteenth, To license all vehicles of every description used for the transportation of persons or property for hire; to license and regulate or prohibit riding bicycles upon or along any of the streets or sidewalks within the city; to regulate and license the use and running of automobiles on the streets of the city, and to designate on what streets automobiles may be used;

Toll bridges.

Fourteenth, To regulate and license all toll bridges within the city, and to prescribe the rates and charges for passage over same;

Meats, etc.

Fifteenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour and other provisions;

Lumber,
brick, etc.

Sixteenth, To regulate the inspection, weighing and measurement of brick, lumber, firewood, coal, hay, and every article of merchandise;

Seventeenth, To provide for the inspection and sealing of weights and measures, and to enforce the keeping and use of proper weights and measures by vendors; Weights and measures.

Eighteenth, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters; Sewers, etc.

Nineteenth, To prohibit and prevent in the streets or elsewhere in the city indecent exposure of the person, the show, sale or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings or books or pamphlets and all indecent and obscene exhibitions and shows of every kind; to prohibit and prevent the posting, distributing or displaying any immoral or obscene pictures, bills, placards or advertisements of any kind, at any place within the city; Obscene pictures, etc.

Twentieth, To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city; Bathing.

Twenty-first, To provide for cleaning the rivers, ponds and streams of the city, and the races connected therewith and to compel the removal of all driftwood and noxious matter therefrom; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome or offensive; Rivers, etc.

Twenty-second, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, or other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of the city; Groceries, butcher shops, etc.

Twenty-third, To regulate the keeping, selling and using, gunpowder, firecrackers and fireworks, and other combustible materials, and the exhibition of fireworks, and the discharge of firearms, and to restrain, regulate, or prohibit the making or lighting of fires in the streets and other open spaces in the city, whether on public or private grounds; Combustibles, etc.

Twenty-fourth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon; to provide for and regulate the construction of all buildings within the city, to provide the kind of materials of which buildings shall be constructed and how the same shall be constructed, whether inside of fire limits or not; to require fire escapes and ample places of exit in all public buildings and all buildings where people are liable to assemble, and to specify how such fire escapes and exits shall be constructed; to compel the owners of such buildings to construct and maintain such fire escapes and exits as may be required by Drains, etc.
Buildings.
Fire escapes.

1888
BOOK 1004, 1400-1401-1402

Construction
of foundations,
etc.

the council, and to punish such owners for the neglect or refusal to construct or maintain the same; to provide by ordinance that if any owner of any such building shall neglect or refuse to construct and maintain such fire escapes and exits, that the council may cause the same to be constructed and maintained at the expense of such owner, and may levy the cost of such construction and maintenance as a special assessment upon the building and lot or premises occupied by such building, and such special assessment shall thereupon become and be a lien upon said premises and may be collected as any other special assessment may be collected under the provisions of this act; to prescribe the thickness of all concrete, cement, brick or stone walls of all buildings, and the thickness and the manner of construction of all foundation walls and the materials of which chimneys shall be constructed, and the manner of such construction, and to require all persons to obtain a permit from the council for the construction of all buildings, and to prohibit any person from constructing any building without such permit and contrary to the provisions of such ordinance as the council may adopt for the regulation for the construction of buildings; and generally to provide by ordinance such regulations as shall by the council be deemed necessary to protect both persons and property against damage, injury or destruction by fire;

Mock
auctions, etc.

Twenty-fifth. To prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to prohibit all persons from managing, using, practicing, or attempting to manage, use or practice the same, and all persons aiding in the management or practice thereof;

Lotteries.

Twenty-sixth. To prohibit, prevent and suppress all lotteries for drawing or disposing of money or any other property whatsoever, and to prohibit all persons from maintaining, directing, managing or aiding in the management, maintenance, or direction of the same;

Draymen, etc.

Twenty-seventh. To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad; also, draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express wagons and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Paupers.

Twenty-eighth. To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon the city;

Census.

Twenty-ninth. To provide for taking a census of the inhabitants of the city, whenever the council shall see fit, and to direct and regulate the same;

Dogs.

Thirtieth. To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and

keepers thereof to pay for and obtain such licenses, and to regulate and prevent the running at large of dogs, to require them to be muzzled and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city;

Thirty-first, To prohibit the use of toy pistols, slingshots and other dangerous toys and instruments; Toy pistols.

Thirty-second, To require all horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held; and to regulate the placing and provide for the preservation of hitching posts; Horses, etc.

Thirty-third, To provide for and regulate the numbering of buildings upon the streets and alleys and to compel the owners or occupants to affix numbers on the same, and to designate and change the names of public streets, alleys and parks; Numbering buildings, etc.

Thirty-fourth, To provide for, establish, regulate and preserve all public fountains and reservoirs within the city, which, in the opinion of the council, the convenience of the inhabitants may require; and also such troughs and basins for watering animals as the council may deem proper; Fountains and reservoirs.

Thirty-fifth, To prevent or provide for the construction and operation of street railways and to regulate the same, and to prescribe the charges which may be made by said railways for carrying either passengers or freight, and to determine and designate the route and grade of any street railway to be laid or constructed in the city; Street railways.

Thirty-sixth, The council shall further have authority to enact all such ordinances, and to make all such regulations, consistent with the laws and constitution of this State, as they may deem necessary for the safety, order and good government of the city and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever. Ordinances, etc.

CHAPTER XVIII.

SEWERS, DRAINS AND WATER COURSES.

SEC. 2. The council shall have the management, supervision and control of the sewers, sewerage system and drainage of the city and the charge of their construction. Sewers.

SEC. 3. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city, or for any part thereof, it shall be their duty to cause a plan of such sewerage or drainage to be devised for the whole city, or for such part thereof as the council shall determine. Duty of council.

Division into districts.

SEC. 4. Such plan shall, in the discretion of the council, be formed with a view to a division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts shall be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when completed, shall be submitted to the council, and when adopted by the council shall be filed in the office of the city clerk.

Diagrams of, filed with clerk.

How subdivided, etc.

SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with the main sewer, and such land as in the opinion of the council will be benefited by the construction thereof. When deemed necessary special sewer districts to include one or more local or branch sewers and such lands as in the opinion of the council, will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Trunk sewers, how provided.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, and may direct diagrams or plats thereof to be prepared, which, when approved by the council shall be recorded in the office of the clerk, in the book of sewer records.

Diagram, what to show.

SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer, and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof. The council shall give notice by publication for at least two weeks in one of the newspapers of the city, of the intention to construct such sewer, and where said diagrams and plats may be found for examination, and of the time when the council will meet and consider any suggestions and objections which may be made by any persons interested with respect to such sewer.

Publication of notice.

CHAPTER XXII.

WATER-WORKS.

Water rates.

SEC. 6. The council shall establish a scale of water rates to be charged and paid for a supply of water, which rates shall be appropriate to different classes of buildings in the city, with reference to their dimension, value, exposure to fire, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns and all other buildings, establishments and trades, yards, number of families, occupants or consumption of water, as near as may

be practicable, and from time to time either modify, amend, increase or diminish such rates. The council may also purchase and install water meters for the measurement of water consumed by water takers, and may compel water takers to have such water meters placed upon the premises where such water shall be used, and at such place or places thereon as the council shall deem proper; and may refuse to furnish water to any person except by or through the use of such meters. Such meters shall at all times be under the control of the council and subject to inspection by such officer or officers as the council shall designate. The council may provide a scale of rates to be charged for the use of water through meters and may also provide a reasonable charge for the use of such meters. The council may prescribe by ordinance when and to whom all water rates shall be paid, and what steps shall be taken to enforce payment or collection of such rates. In case any person shall neglect or refuse to pay any water rate when due, the council shall have power to cause the supply of water to such person or persons, or on the premises where used, to be shut off and to refuse to furnish water to such person or persons, or on said premises, until all sums accrued for the use of water by such person or persons, or on said premises, shall have been paid; and if any person shall refuse to have a meter installed upon his premises, or shall refuse to use water through such meter, the council may cause the supply of water to be shut off from said premises. All money due or which shall become due to the city, for the use of water, or for such water rates, shall be a lien upon the premises where such water shall be or shall have been used, whether used by the owner or tenant of such premises, and the council may provide by ordinance for levying and collecting the same as a special assessment upon such premises and may also provide by ordinance for certifying the amount of such special assessment, together with the description of such premises to the supervisor of the ward in which such premises shall be situated. Such supervisor, when such amount and description of such premises shall be so certified to him, shall spread the same upon the next general tax roll of his ward, in the same manner as other special assessments are required to be spread upon such roll; and such amount so spread upon said tax roll shall thereupon become and be a tax upon such premises, and shall be collected at the time and in the manner provided for the collection of other city taxes. The cost of making any such special assessment shall be added to the sum so due for water rates; and such costs and sum so due shall constitute the amount of such special assessment. Or the city may, at its option, either before or after the levying of such tax, or special assessment, recover such amount in an action of assumpsit against such owner of said premises, or against the

Meters, etc.

Collection, etc.

Lien upon premises.

Supervisor to spread upon tax roll.

Assumpsit.

tenant thereof who used the water for which the rate shall not have been paid; and in such case a declaration on the common counts shall be sufficient.

CHAPTER XXVII.

BONDED AND OTHER INDEBTEDNESS.

Limit of. SEC. 3. The total bonded indebtedness of the city of Three Rivers, for all purposes, shall not at any time exceed the limit of fifty thousand dollars, except as provided in the next succeeding section.

Electric light plant, etc. SEC. 4. In case the council shall at any time, as in this act provided, declare that it is expedient for the city to purchase or construct and equip an electric or other lighting plant, the council shall by resolution determine what portion of the amount which the city may at such time borrow under the provisions of the preceding section, shall be appropriated towards the cost of such lighting plant; and if the amount which the council shall so decide to appropriate shall not be sufficient to make the sum required for the purpose of purchasing or constructing and equipping such

Issue bonds. lighting plant, the city may borrow on the bonds of the city, such additional sum of money, not exceeding twelve thousand dollars, as shall be necessary to make up the balance of the sum required for the purchase, or construction and equipment, of such lighting plant. In case the council shall at any time determine that it is expedient for the city

Water works, etc. to purchase and own a water power, or other power, to be used for the operation of the city water-works, or for the operation of any electric or other lighting plant which the city may hereafter purchase or construct and equip, or to

Sewers. be used for any other legitimate municipal purpose; or in case the council shall at any time determine that it is expedient to establish and construct sewers in the city, the city may borrow such additional sum of money, not exceeding twelve thousand dollars, as shall be required for any or all of such purposes: Provided, That the total bonded indebtedness of the city for all purposes, including all amounts which may be borrowed under the provisions of this section, shall at no time exceed the sum of sixty-two thousand dollars.

Proviso. SEC. 5. No money shall at any time be borrowed by the said city of Three Rivers, except in the manner provided in this chapter. Before any money shall be borrowed by the city, except as specified in section two of this chapter, the council by a two-thirds vote of all the aldermen-elect, shall determine by resolution the purpose for which the loan is to be made, that such purpose is a necessary public improvement and the amount of money necessary to be raised for

Two-thirds vote of council.

such purpose. After such determination by the council, and before such loan shall be made, the question of raising such sum of money for such purpose, and issuing the bonds of the city therefor, shall be submitted to the freehold electors of said city at its next annual election, or at a special election called, by the council, for that purpose, as provided in this act. No person shall be competent to vote, or shall be allowed to vote, on the question of borrowing such money and issuing such bonds, unless he shall be a qualified elector of said city and shall, at the time his vote shall be tendered on such question, be the absolute owner in his own right, or as a tenant by the entireties with his wife, of a freehold estate in lands situate in said city which said lands shall have been assessed and taxed to him or to him and his wife on the then next preceding tax roll of the ward in which said land shall be situate, and which said freehold estate shall have been assessed and valued to him or to him and his wife jointly on said tax roll at not less than fifty dollars. If a majority of the electors so qualified, who shall vote on such question, shall vote in favor of borrowing such money and issuing such bonds, then the council may make such loan and issue the bonds of the city therefor; but if a majority of such electors so qualified, who shall vote on such question, shall vote against borrowing such money or issuing such bonds, then the loan shall not be made and no bonds shall be issued. Such vote shall be by printed ballot. All ballots cast upon such question, shall be kept separate from all other ballots that may be cast at any such election, and shall be deposited in a separate ballot box provided for the purpose; and the clerks of election shall keep a separate list of the persons voting on such question. In addition to such other matters as shall be required by law, there shall be printed on such ballots a brief but plain statement of the purpose for which the council shall have decided that it is necessary to make the loan, and the amount of such proposed loan; and there shall also be printed on such ballots the following question in the following form:

Shall the city borrow such sum of money for such purpose and issue the bonds of the city therefor? Yes. []

Shall the city borrow such sum of money for such purpose and issue the bonds of the city therefor? No. []

All such electors desiring to vote in favor of making such loan shall place a cross (X) in the square opposite the word "Yes;" and all such electors desiring to vote against making such loan shall place a cross (X) in the square opposite the word "No." The several boards of election inspectors shall canvass the ballots cast upon such question in their respective voting precincts, in the same manner in which they are, by law, required to canvass the ballots cast at any general election and shall make and return to the council a statement, certified by the clerk and chairman of said boards respectively, to be correct and true, showing the whole num-

Election,
when held.

Qualified
electors.

Bond issue.

Ballots.

Form of.

How voted.

Canvass of
votes.

Certified
statement.

ber of ballots cast upon such question, and the total number of such ballots in favor of, and the total number of such ballots against, making such loan and issuing such bonds. Such certified statements shall be filed in the office of the city clerk, and the council shall convene and determine the result of such election, according to the provisions of section thirteen of chapter six.

Where filed.

Bonds, by whom signed, etc.

Sec. 8. Such bonds shall be signed by the mayor and clerk, shall be in sums of not less than one hundred dollars each, and shall be payable not exceeding twenty-five years from date of issue: Provided, That no larger amount of said bonds than four thousand dollars shall become due and payable in any one year. The money necessary to pay both the principal and interest of such bonds, as they shall mature, shall be raised by general taxation upon all of the taxable real and personal property in the city; but the sum so raised in any one year shall be included in and shall not increase the total amount which, by the provisions of section four of chapter twenty-six of this act, the council is authorized to raise by general tax.

Proviso.

Tax levy.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 625.]

AN ACT to detach certain territory from the township of Ecorse in the county of Wayne and attach the same to the city of Wyandotte in said county, and to apply and make operative in said territory all statutes and laws now or hereafter made applicable to and operative in said city.

The People of the State of Michigan enact:

Territory attached.

SECTION 1. On and after the first day of December, nineteen hundred five, the territory hereinafter described, situated in the township of Ecorse in the county of Wayne, shall be by virtue of this act attached to and made to form a part of the city of Wyandotte. Said territory so to be annexed to said city is described as follows, to wit: Beginning at the northeast corner of the present limits of the village of Glenwood; thence west along the northerly line of said village to the west line of out lot twenty-seven of the subdivision of the northeast quarter of section thirty, town three south, range eleven east; thence south along the westerly line of said out lot twenty-seven and extension thereof to the southwest corner of the Steel Plant subdivision of the east six hundred sixty feet of the south part

of the southeast quarter of section thirty; thence east along Eureka avenue, being also the southerly line of the present village of Glenwood, to the southeast corner of said Glenwood village limits; thence northeasterly along the east line of said present Glenwood limits to the place of beginning.

SEC. 2. The said territory so attached to said city on and after the first day of December, nineteen hundred five, aforesaid, shall be attached to the present first, second and third wards in said city to wit: All that part of said territory First ward. lying west of the first ward of said city, as at present bounded and defined and extending to the westerly limits of said territory so attached to said city, shall be attached to and form a part of said first ward. All that part of Second ward. said territory so attached to said city lying west of the second ward of said city, as at present bounded and defined and extending to the westerly limits of said territory, so attached to said city, shall be attached to and form a part of said second ward. All that part of said territory so attached to said city lying between the southerly boundary of the second ward as above extended and the center line of Eureka avenue and extending to the westerly limits of said territory, so attached to said city, shall be attached to and form a part of said third ward. Third ward.

SEC. 3. From and after the said first day of December, Right, title, etc., to vest in city. nineteen hundred five, the corporate organization of the village of Glenwood and all the powers and duties of the several boards and officers thereof shall cease and terminate and all corporate powers and authority vested in the township of Ecorse in respect to the territory hereby attached to said city shall cease and terminate and thereupon all right and title to property, both real and personal, and all claims and demands belonging to said village in its corporate capacity and all right and title to real property situated within the territory hereby attached to said city, belonging to the township of Ecorse in its corporate capacity, shall pass to and vest in said city. The officers of said village and township shall thereupon transfer the possessions and control thereof to the common council of said city or to such officer or officers as said common council may direct; all money belonging to said village shall be paid over to said city, and all books, papers and documents belonging to said village shall be transferred and delivered to the common council of said city or to such officers as they may designate. All bonds, debts and obligations of every name and nature owing by said village at the date aforesaid shall be borne and paid by said city. Money, etc., transferred.

SEC. 4. All taxes lawfully assessed in the territory here- Tax levy. by attached to said city before said first day of December, nineteen hundred five, shall be collected in the manner now provided by law. The provisions of this act shall not interfere with the levy, collection and return of State, county

and township taxes for the year nineteen hundred five, but the same shall be levied, collected and returned in the same manner as though the said territory was still a part of the township of Ecorse.

Acts
repealed.

SEC. 5. All the provisions of an act, entitled "An act to provide for the incorporation of cities of the fourth class," the same being section three thousand thirty-three of the compiled laws of eighteen hundred ninety-seven, as amended, and all other statutes and laws applicable to said city of Wyandotte shall, on and after the first day of December, nineteen hundred five, apply to and be operative in the territory so attached to said city in like manner as in the other territory of said city except as in this act otherwise provided. All acts and parts of acts in conflict herewith are hereby repealed.

Election.

SEC. 6. The foregoing provisions of this act shall be submitted to the vote of the qualified electors residing in said territory at an election to be held as hereinbefore provided for that purpose. James Clark, Anton Kortes, George Gohl

Board of
registration.

Time of
election.

Registration,
when to be
held.

and James Solo are hereby constituted a board of registration and a board of inspectors of election for said election. The said board shall designate the date of the election which shall be held not later than thirty days after this act shall take effect. Said board shall meet at a place to be selected by itself on the Saturday next preceding the day of said election for the purpose of registering the voters therein, and shall remain in session the same hours as are required by law for the boards of registration at general elections, and shall register the names of all persons residing therein who are possessed of the qualifications required by law and who shall apply to said board to be registered. Said board shall cause notice of the time fixed for the registration of electors for the holding of said election, and the place designated and the general purpose of said election to be given by posting the same in at least three public places in said village, and also by publishing the same in a newspaper circulated in said village, to be designated by said board of registration and election. Said notices shall be posted and published at least ten days before the time fixed for the registration of electors. All statutes and laws regulating the registration of electors shall apply to and govern in respect to the registration of electors and the holding and conduct of the election hereinbefore mentioned, except as in this act otherwise provided. It shall be the duty of said board to prepare ballots for the use of electors at said election, which shall be substantially in the form following:

Notice of.

Ballots.

Form of.

☐ Yes. } Respecting attaching of territory to city of
☐ No. } Wyandotte.

Board to
furnish.

Said board shall furnish a suitable number of such ballots for the use of the electors at such election. Each elector desiring to vote in favor of attaching the territory hereinbefore

in the first section of this act described to the city of Wyandotte, shall place a cross on this ballot in the square opposite the word "Yes," and each elector desiring to vote against such annexation, shall place a cross on this ballot in the square opposite the word "No." Said board of inspectors of election shall canvass the votes cast in said village and prepare a certificate setting forth the result, which shall be signed by them, and within two days next following, be filed with the village clerk of the village of Glenwood. Said board shall, within five days after the time fixed for the filing of such certificate with the county clerk, also prepare four duplicate certificates setting forth the results of said election. One copy of said certificate shall be filed with the Secretary of State of the State of Michigan; one copy with the county clerk of Wayne county, one copy with the city clerk of said city, the remaining copy with the township clerk of Ecorse. All of which said copies of said certificates shall be retained by said several officers in their respective offices as a record of the facts therein stated. If it shall appear that a majority of the electors voting at said election have voted in favor of the attaching of said territory to said city of Wyandotte, then this act shall in all respects be operative as hereinbefore set forth and declared, otherwise not.

Canvass of
votes.

Certificates
of election.

With whom
filed.

This act is ordered to take immediate effect.

Approved June 7, 1905.

[No. 626.]

AN ACT relative to the sale of intoxicating liquors as a beverage within the corporate limits of the village of Sherwood, county of Branch, and to authorize the council of said village to regulate and govern the same.

The People of the State of Michigan enact:

SECTION 1. The common council of the village of Sherwood, in the county of Branch, are hereby authorized and empowered to determine the number of places where intoxicating liquors as a beverage are to be sold within the corporate limits of said village, and to locate the place or places where such business shall be conducted.

Location of
places for sale
of liquor.

SEC. 2. The common council of the said village of Sherwood is hereby authorized to examine and determine as to the character, habits and fitness of any person or persons wishing to engage in the business of selling intoxicating liquors as a beverage, within the corporate limits of said village, and may refuse to accept the bond of such person

Council may
refuse to ac-
cept bond.

or persons, if, in their judgment, the character and habits of such person or persons are such as to render them unfit to conduct such business.

This act is ordered to take immediate effect.

Approved June 8, 1905.

[No. 627.]

AN ACT to annex certain territory situated in the township of Springwells in the county of Wayne to the city of Detroit and to apply and make operative in said territory all statutes and laws now or hereafter made applicable to and operative in said city.

The People of the State of Michigan enact:

Territory
annexed.

Description.

SECTION 1. On or after the first Monday in April, nineteen hundred six, the territory hereinafter described, situated in the township of Springwells in the county of Wayne, shall be by virtue of this act annexed to and made to form a part of the city of Detroit. Said territory so to be annexed to said city is described as follows, to-wit: Commencing at a point where the northerly boundary line of said city of Detroit, as now established and defined, intersects the easterly line of private claim two hundred sixty; thence northerly along the east line of private claim two hundred sixty of the center line of the Tireman road or Holden avenue; thence west along the center line of Tireman road or Holden avenue (being also the south boundary of the township of Greenfield) to the westerly line of the Pere Marquette Railroad Company's right of way; thence southerly along said line to a point intersecting the northerly line, extended easterly on Wilson's subdivision of lot one, private claim two hundred sixty-six; thence westerly along said extended line and the north line of said Wilson's subdivision to the westerly line of said private claim two hundred sixty-six; thence south along the west line of private claim two hundred sixty-six to the northeast corner of private claim seven hundred nineteen; thence westerly and southerly and westerly along the rear of private claims seven hundred nineteen and five hundred forty-three to the northwest corner of private claim five hundred forty-three; thence southerly along the westerly line of private claim five hundred forty-three to the northwesterly line of Baby creek; thence southerly along the northwesterly line of Baby creek to its intersection with the center line of the River Rouge; thence southerly following the meandering of said center line of the River Rouge down stream to the Detroit river; thence southerly to the

national boundary line in said Detroit river; thence easterly along the said national boundary line to the intersection of the west boundary line of the sixteenth ward of said city of Detroit, as now bounded and described; thence northerly along said boundary line of said ward to the northwest corner thereof; thence easterly along the present northerly boundary of said city, being the northerly boundary of said ward, to the place of beginning.

SEC. 2. The said territory so annexed to said city, on and after the first Monday in April aforesaid, shall be in part annexed to the present sixteenth ward in said city and in part form a ward to be known as the eighteenth ward in said city. All of that part of said territory lying north of the sixteenth ward of said city as at present bounded and defined, and lying east of the west line of Livernois avenue extended to the northerly limits of said territory so annexed to said city shall be annexed to and form a part of said sixteenth ward. The eighteenth ward shall consist of the territory herein annexed to said city of Detroit other than that hereby made a part of said sixteenth ward.

Wards, description of.

SEC. 3. Said ward eighteen shall be entitled to two aldermen, two members of the board of estimates, one constable, one member of the board of education, and such other ward officers as are or may be provided by law for the other wards of said city. The common council of said city within fifteen days after the first Monday in April, nineteen hundred six, shall divide the said ward into election districts, appoint registrars and inspectors of elections therein, call a special election to be held in said ward eighteen for the election of said officers, specify the place in each of said districts and fix the time for the registration of electors therein and for the holding of such election. The officers elected at said election shall each hold his office until his successor is elected and qualified.

Ward officers.

Election districts.

Registration, etc.

SEC. 4. From and after the said first Monday in April, nineteen hundred six, the corporate organization of the villages of Delray and Woodmere and all the powers and duties of the several boards and officers thereof shall cease and determine and all corporate powers and authority vested in the said township of Springwells in respect to the territory hereby annexed to said city, shall cease and determine and thereupon all right and title to property, both real and personal, and all claims and demands belonging to either of said villages in their corporate capacity and all right and title to real property situated within the territory hereby annexed to said city belonging to the township of Springwells in its corporate capacity shall pass to and vest in said city. The officers of said villages and townships shall thereupon transfer the possession and control thereof to the common council of said city or to such officer or officers as said common council may direct; all moneys belonging to either of said villages shall be paid over to said city, and all books, papers

Corporate organization of villages, when to cease.

Title to property, etc., to pass to city.

Moneys, books, etc., transferred.

Bonds, etc., assumed by city.	and documents belonging to said villages or either of them shall be transferred and delivered to the common council of said city or to such officers as they may designate. All bonds, debts and obligations of every name and nature owing by either of said villages at the date aforesaid shall be borne and paid by said city.
Taxes.	SEC. 5. All taxes lawfully assessed in the territory hereby annexed to said city before said first Monday in April, nineteen hundred six, shall be collected in the manner now provided by law. All moneys belonging to the township of Springwells at the date aforesaid, raised for township purposes or thereafter collected for like purposes on account of taxes levied and assessed before that date, shall be apportioned between the said city and said township according to the relative valuation of the taxable property so annexed to said city assessed on the last preceding assessment roll of said township and the valuation of property so assessed remaining in said township. Such settlement and apportionment shall be made by agreement between the township board of said township and the common council of said city and the amount found due said city upon such settlement shall be paid over to said city by the proper officers of said township. In case the said township board and the said common council shall not be able to agree upon an adjustment and settlement, the same may be made by commissioners to be appointed by the circuit court for the county of Wayne, in chancery, on a bill or petition of either party, and said court is hereby given jurisdiction and authority to determine any and all questions that may arise in carrying out the provisions of this section and to grant such relief in the premises as may be equitable.
Moneys, how apportioned.	
Commissioners, court to appoint, etc.	SEC. 6. On and after the thirtieth day of June, nineteen hundred six, the corporate organization of the several public schools and school districts within the territory so annexed to said city and the powers and duties of the several boards and officers thereof shall cease and determine and thereupon all right and title to property, both real and personal, belonging to either of said public schools or school district situated entirely within the said territory so annexed to said city, shall pass to and vest in the board of education of the city of Detroit, and the officers of said public schools and school districts shall transfer the possession and control thereof to said board of education or to such officer or officers as it may direct. Said board of education shall thereafter take charge of, manage and conduct the schools in said territory. All moneys and funds belonging at the date aforesaid to either of said public schools and school districts situated entirely within the territory so annexed to the said city shall be paid over by the respective boards and officers of said public schools and school districts having charge thereof to the said board of education. All books, papers and documents belonging to either of said
Schools and school districts.	
Transfer to board of education.	
Moneys, books, etc., transferred.	

public schools or school districts shall also be turned over and transferred to the said board of education. Said board of education shall assume and pay all bonds, debts and obligations owing at the date aforesaid by either of said public schools and school districts situated entirely within the territory so annexed to said city.

Assume
bonds, etc.

SEC. 7. It shall be the duty of the board of school inspectors of said township of Springwells after the said thirtieth day of June, nineteen hundred six, to make proper disposition of the parts of the school districts severed by this act remaining in said township. The township board of said township and the board of education of said city of Detroit shall on and after the date aforesaid adjust the relative rights and interests of the parts of the said school districts so severed remaining in said township and the parts thereof embraced within the territory so annexed to said city. The value of the school property and the unexpended school money and all debts and obligations of such districts shall be apportioned and settled according to the assessed value of the taxable property of the respective parts of the divided districts. Upon such settlement being made, if it shall appear that one party is indebted to the other party, the party so indebted shall pay such indebtedness to the party entitled thereto as soon as money applicable to such payment can be secured. In case the said township board and the said board of education shall not be able to agree upon an adjustment and settlement the circuit court for the county of Wayne, in chancery, shall have like jurisdiction to determine and adjust the same as is hereinbefore in this act provided in case of a disagreement between said township board and the common council of said city.

School
inspectors,
duties of.

Township
board to
adjust, etc.

Apportion-
ment of school
property, etc.

Court to ad-
just indebt-
edness, etc.

SEC. 8. All the provisions of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, as amended, and all other statutes and laws applicable to said city of Detroit shall on and after the said first Monday in April, nineteen hundred six, apply to and be operative in the territory so annexed to said city in like manner as in the other territory of said city except as in this act otherwise provided. All acts and parts of acts in conflict herewith are hereby repealed.

Acts
repealed.

SEC. 9. The foregoing provisions of this act shall not become operative until the proposition to annex the territory hereinbefore described, to the city of Detroit, shall be approved by a majority vote of the qualified electors voting thereon residing in said territory at an election to be held as herein provided for that purpose. Within fifteen days after this act shall take effect, the supervisor of said township of Springwells shall call a meeting of the township board of said township. Said board shall divide the said territory into three election districts. In each district said

Election.

Districts
divided.

board shall appoint three qualified electors to act as inspectors of said election, shall designate the proper place for the registration of electors and for the holding of such election, designate a time for such registration of electors which shall not be less than twenty nor more than thirty days after the time fixed for the holding of said meeting of the said township board and also call an election to be held in said several election districts at a time to be fixed by said board not less than ten nor more than twenty days after the time fixed for registration as above provided. Said board shall cause notice of time fixed for the registration of electors, for the holding of said election and the place designated in each of said election districts and of the general purpose of said election, to be given by posting the same in at least three public places in each of said election districts and also by publishing the same in a newspaper printed and circulating in said township, to be designated by said board. Said notice shall be posted and published at least ten days before the time fixed for registration of electors. All statutes and laws regulating the registration of electors and the holding and conduct of general elections shall apply to and govern in respect to the registration of electors and the holding and conduct of the election hereinbefore mentioned except as in this act otherwise provided. It shall be the duty of the said township board to prepare ballots for the use of electors at said election which shall be substantially in the form following:

Form of.

☐ Yes. } Respecting annexation of territory to the city
☐ No. } of Detroit.

And shall furnish a suitable number of such ballots to each board of inspectors of said election districts on the morning of the day of election. Each elector desiring to vote in favor of annexing the territory hereinbefore in the first section of this act described to the city of Detroit, shall place a cross on his ballot in the square opposite the word "Yes" and each elector desiring to vote against such annexation shall place a cross on his ballot in the square opposite the word "No." Said several boards of inspectors of election shall canvass the votes cast in their respective election districts and prepare a certificate setting forth the result which shall be signed by them and within two days next following be filed with the township clerk of the township of Springwells. Within five days after the time fixed for the filing of such certificates with the township clerk, the supervisor of said township shall call a meeting of the said township board who shall examine and tabulate said certificates and declare the result of said election. Said township board shall prepare four duplicate certificates setting forth the results of said election which shall be signed by the said supervisor and township clerk; one copy of said certificate shall be filed with the Secretary of State of the State of Michigan,

Certificates of
election
where filed,
etc.

one copy with the county clerk of Wayne county, one copy with the city clerk of said city and the remaining copy with the said township clerk. All of which said copies of said certificates shall be retained by said several officers in their respective offices as a record of the facts therein stated. If it shall appear that a majority of the electors voting at said election have voted in favor of the annexation of said territory to said city of Detroit, then this act shall in all respects be operative as hereinbefore set forth and declared. But if, on the other hand, it shall appear that a majority of said electors voting at said election are opposed to the annexation of said territory to said city, then this act shall in all respects become void. The expense of holding said election shall in the first instance be borne by the township of Springwells, but if the result of said election shall be favorable to the annexation of said territory to said city, then the expense of such election shall be borne and paid by the city of Detroit. Expenses of election.

This act is ordered to take immediate effect.

Approved June 8, 1905.

[No. 628.]

AN ACT requiring the board of supervisors of Bay county to designate a local bank as the depository of Bay county moneys, and prescribing the duties of certain officers relative thereto.

The People of the State of Michigan enact:

SECTION 1. Not less than thirty days prior to the annual session of the board of supervisors, in each year that a general election occurs, it shall be the duty of the county clerk of Bay county to send notices to each of the banks in said Bay county, soliciting sealed bids for the deposit of the funds of the county for the two years next ensuing, from the first day of January next thereafter, which said bids shall be by said clerk delivered, unopened, to the board at its annual meeting, and they shall be opened and read and the said board may, for any reason by it deemed sufficient, reject any or all of such bids, and order the disposition of such bids and county funds as hereinafter specified. If one or more such bids shall be deemed satisfactory by the said board, it is hereby made its duty to contract with one of the banks tendering such satisfactory bid, for the safe keeping of all county moneys, to be drawn on account current, by the county through its proper officer or officers. At the time of making any such contract, such bank shall give a bond Supervisors to solicit bids. Contract. Bank to give bond.

Treasurer and
chairman to
designate
depository.

to the county with sureties, to be approved by the circuit judge and the chairman of the said board, sufficient to protect the county from all loss, and thereupon the county treasurer shall be released from liability for such moneys so deposited in such bank until the same are drawn out by him. If, for any reason, no contract shall be made with any bank, then the county treasurer and chairman of said board shall designate a bank or banks as the depository of said moneys. All interest earned from moneys so deposited shall belong to and be credited to the contingent fund of said county. Upon a contract being made by said board with any bank for the depositing of moneys, as aforesaid, the clerk thereof shall immediately give written notice of such action to the county treasurer, whereupon, for the next two years from and after the first day of January next following such action, it shall be the duty of said treasurer to deposit all moneys and funds of said county in such bank.

Penalty for
neglect.

SEC. 2. If any officers or officer shall neglect, refuse or fail to discharge their duties, as herein provided, they shall be liable to a penalty of one hundred dollars, in addition to such actual damages as may accrue to said county by reason of their neglect, failure or refusal.

Approved June 13, 1905.

[No. 629.]

AN ACT to empower the common council of the city of Detroit to borrow money for the purpose of improving the Grand Boulevard and Lafayette Boulevard.

The People of the State of Michigan enact:

Authority to
borrow.

Issue bonds.

Controller to
keep record.

SECTION 1. That, for the purpose of the improvement of the Grand Boulevard in and around the city of Detroit, and Lafayette Boulevard, the common council, with the approval of the board of estimates, shall have power to borrow upon the best terms it can make and for such time as it shall deem expedient, not exceeding thirty years, a sum of money not exceeding one hundred thousand dollars upon the credit of the city of Detroit, and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated "Boulevard Improvement Bonds of the City of Detroit," and shall bear interest at a rate not exceeding three and one-half per cent. The controller shall keep an accurate register of all said bonds issued, showing the number, date, and amount of each bond, and to whom the same was issued. And the money raised by such bonds shall be ex-

pended solely for the purpose of the improvement of the said Grand Boulevard and Lafayette Boulevard in such manner and in such proportion as may be determined by the common council.

This act is ordered to take immediate effect.

Approved June 13, 1905.

[No. 630.]

AN ACT to amend sections three and four, chapter one; section one, chapter two; section three, chapter three; section two, chapter seven; section thirty-one, chapter seven; section two, chapter nine; section seven, chapter nine; section one, chapter eleven; section four, chapter fifteen; section nine, chapter fifteen; section five, chapter sixteen; section eight, chapter sixteen; section six, chapter seventeen; section nine, chapter seventeen; section thirteen, chapter seventeen; section sixteen, chapter seventeen; section one, chapter twenty-two; and to add six new sections to chapter eleven to stand as sections fourteen, fifteen, sixteen, seventeen, eighteen and nineteen; and two new sections to chapter fifteen, to stand as sections thirty-three and thirty-four, of act three hundred ninety of the local acts of eighteen hundred eighty-five, and amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeen, eighteen hundred eighty-five.

The People of the State of Michigan enact:

SECTION 1. Sections three and four of chapter one; section one, chapter two; section three, chapter three; sections two and thirty-one, chapter seven; sections two and seven, chapter nine; section one, chapter eleven; sections four and nine, chapter fifteen; sections five and eight, chapter sixteen; sections six, nine, thirteen and sixteen, chapter seventeen; and section one, chapter twenty-two, of act three hundred ninety of the local acts of eighteen hundred eighty-five, and amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeen, eighteen hundred eighty-five, are amended so as to read as hereinafter set forth; and there are added to chapter eleven of said act six new sections to stand as sections fourteen, fifteen, sixteen, seventeen, eighteen and nineteen; and to chapter fifteen, two new sections to stand as sections thirty-three and thirty-four, said amended and added sections to read as follows:

Sections
amended.

CHAPTER I.

City
boundaries.

SEC. 3. The territorial limits of said city shall consist of all that tract of country in the county of St. Clair, bounded and described as follows, to-wit: Commencing at a point in the national boundary line at St. Clair river, where the same would be intersected by the section line projected between sections twenty-one and twenty-eight, in town six north, range seventeen east; thence running westerly along said section line to the east line of the highway known as River road; thence north along said east line to the north line of the highway between said sections; thence running westerly along the north line of said highway to its intersection with the east line of the highway running northerly along the section line between sections twenty and twenty-one; thence north along said east line of highway to the south line of Goulden street, according to Factory Land Company plat number one; thence east along the said south line of Goulden street to the west line of Twenty-eighth street, according to said plat; thence south along the west line of said Twenty-eighth street to the south line of Conner street, according to said plat; thence easterly along the south line of said Conner street to the west line of Electric avenue, according to said plat; thence north along said west line of Electric avenue to its connection with the west line of Twenty-fourth street; thence north along the west line of Twenty-fourth street to the north line of Moak street, according to said plat; thence west along the north line of Moak street to the east line of said highway known as Thirty-second street and running north between sections twenty and twenty-one; thence north along said east line to the south line of highway known as Dove street and running east along the center line between sections sixteen and twenty-one; thence running east along the south line of said Dove street to the east line of highway known as Twenty-fourth street and running north along the center of sections sixteen and nine; thence north along the east line of said Twenty-fourth street to the north line of Lapeer avenue; thence west along the north line of said Lapeer avenue extended to a point where the Indian reservation line intersects said highway; thence in a northwesterly direction along said Indian reservation line to the south line of the Bonhomme tract; thence northeasterly along the south line of said Bonhomme tract to the center of Black river; thence up the middle line of Black river to a point where the same would be intersected by the northwest corner of the McNeil tract in the township of Fort Gratiot; thence easterly along the north line of said McNeil tract to a point where the west line of Lakeside cemetery intersects the north line of said tract; thence north along the west boundary of said Lakeside cemetery, said line being the west line of east frac-

tional part of section twenty-seven in town seven north, range seventeen east, to the north line of said section twenty-seven; thence east along the line of said section twenty-seven and the north line of fractional section twenty-six to the westerly line of the highway known as the Lakeside turnpike or extension of Gratiot avenue; thence northerly along the west line of said last named highway to the north line of section twenty-two, town seven north, range seventeen east; thence east along said north line of said section twenty-two to the national boundary line in Lake Huron; and thence southerly along said national boundary line in Lake Huron and River St. Clair to the place of beginning.

SEC. 4. The city of Port Huron shall be divided into Wards. eleven wards, the boundaries of which shall be as follows:

First ward consists of all that territory within the following boundaries, to-wit: Commencing at the center line of Huron avenue where the same intersects the middle of Military street bridge; thence north along the center line of Huron avenue to the center line of Suffern street; thence east along the center line of Suffern street to the national boundary line; thence southerly along the said national boundary line to a point where the same would be intersected by the center line of Black river; thence westerly along the center line of Black river to the place of beginning. First ward.

Second ward consists of all the property within the following boundaries, to-wit: Commencing at the center line of Seventh street bridge; thence in an easterly direction along the middle of Black river to the national boundary line; thence southerly along the said national boundary line to a point where the same would be intersected by the center line of Seventh street extended to the said boundary line; thence north along the said center line of Seventh street to the place of beginning. Second ward.

Third ward consists of all that territory within the following boundaries, to-wit: Commencing at the middle of Military street bridge; thence northerly along the center line of Huron avenue to the center line of Suffern street; thence west along the center line of Suffern street to the middle of Black river; thence in a southerly direction along the middle of said Black river to the place of beginning. Third ward.

Fourth ward consists of all that territory within the following boundaries, to-wit: Commencing at the middle of Seventh street bridge; thence southerly along the center line of Seventh street to the center line of Howard street; thence in a westerly direction along the center line of Howard street to a point where the said center line extended would intersect the city limits on the west; thence along the line of the city limits in a northerly direction to the center line of Black river; thence southeasterly along the center line of Black river to the place of beginning. Fourth ward.

Fifth ward consists of all that territory within the following boundaries, to-wit: Commencing on the center line Fifth ward.

of Suffern street where the same extended would intersect the national boundary line; thence westerly along the center line of Suffern street to the center of Black river; thence northerly along the center line of Black river to the center line of Sedgwick street; thence along the center line of Sedgwick street to the national boundary line; thence south along the national boundary line to the place of beginning.

Sixth ward.

Sixth ward consists of all that territory within the following boundaries, to-wit: Commencing at the center line of Howard street at its intersection with the center line of Seventh street; thence south along the center line of Seventh street to the center line of Griswold street; thence west along the center line of Griswold street to the city limits; thence north along the line of the city limits to a point where the same would be intersected by the center line of Howard street extended westerly to the city limits; thence east along said center line of Howard street to the place of beginning.

Seventh ward.

Seventh ward consists of all that territory within the following boundaries, to-wit: Commencing on the center line of Sedgwick street where the same extended would intersect the national boundary line; thence westerly along the center line of Sedgwick street to the middle of Black river; thence north along the middle of Black river to a point where the old boundary line between Port Huron and Fort Gratiot extended would intersect it; thence easterly along said former boundary line to the national boundary line in St. Clair river; thence southerly along the national boundary line to the place of beginning.

Eighth ward.

Eighth ward consists of all that territory within the limits of the city of Port Huron within the following boundaries: Commencing at the intersection of the center lines of Griswold and Seventh streets; thence south along the center line of Seventh street to a point where the center line of Seventh street extended would intersect the center line of Beard street extended; thence westerly along the center line of Beard street extended to the east line of Twenty-fourth street; thence north along the east line of Twenty-fourth street to the center line of Griswold street; thence east along the center line of Griswold street to the place of beginning.

Ninth ward.

Ninth ward consists of all that territory within the following boundaries, to-wit: Commencing at a point in St. Clair river where the old boundary line between Fort Gratiot and Port Huron extended would intersect the national boundary line; thence westerly along said former boundary line to the middle of Black river; thence north along the middle line of Black river to a point where it would intersect the line between lots thirty-six and thirty-nine of the so-called McNeil tract; thence easterly along said line until it shall intersect with the center line of the River road to the center line of Garfield street; thence east-

erly along the center line of Garfield street until the same intersects the center line of Pine Grove avenue; thence southeasterly along the center line of Pine Grove avenue, until it intersects with the center line of Hancock street; thence easterly along the center line of Hancock street to a point where, if extended into Lake Huron, it would intersect the national boundary line; thence southwesterly along the national boundary line to the place of beginning.

Tenth ward consists of all that territory within the following boundaries, to-wit: All that territory within the corporate city limits and lying north of the following described line: Commencing at a point in the national boundary line where the same would be intersected by the center line of Hancock street, if extended; thence westerly along the center line of Hancock street until the same shall intersect with the center line of Pine Grove avenue; thence northwesterly along the center line of Pine Grove avenue to the center line of Garfield street; thence west along the center line of Garfield street until the same intersects with the center line of the so-called River road; thence northerly along the center line of the River road until the same shall intersect the dividing line between lots thirty-six and thirty-nine of the McNeil tract; thence westerly along the said dividing line to the center line of Black river.

Eleventh ward consists of all that part of the city of Port Huron lying south of a line commencing at the intersection of the east line of Twenty-fourth street and the center line of Beard street extended, and running thence easterly along the center line of Beard street to a point where the center line of Beard street extended would intersect the national boundary line at St. Clair river: Provided, That this amendment to this section of this charter shall not become operative until the first day of November, nineteen hundred five, except for the nominations of officers for said Eleventh ward, who shall be elected at the November elections of nineteen hundred five; but shall not take their offices until January one, nineteen hundred six: And provided further, That the division of the old Eighth ward into the Eighth and Eleventh wards shall in no way interfere with the assessment and collection of taxes for the year nineteen hundred five upon the rolls of said Eighth ward; but said taxes shall be collected and all necessary steps taken to collect the same as though this amendment had not been made.

CHAPTER II.

SECTION 1. The following officers of the corporation shall be elected on the city ticket at every general biennial election in said city by the qualified voters thereof, to-wit: A mayor, city clerk, city treasurer and one member of the

	board of estimates, who shall hold their respective offices for the term of two years and until their successors are elected and have qualified. In each ward there shall be elected at every general biennial election one constable for the term
Proviso.	of two years: Provided, That the constables of the several wards of the city of Port Huron who were elected at the general biennial election in said city in November, nineteen hundred four, shall hold their offices, and their term of office shall be, and is hereby extended to expire on the first Monday in January, A. D. nineteen hundred seven. In each ward there shall be elected at every annual election, by the qualified voters thereof, which shall be held on the first Tuesday after the first Monday in November of each year, one alderman for the term of two years and one member of the board of estimates for the term of one year: Provided, That when it becomes necessary by reason of a change of boundary of any ward, or by the establishment of a new ward to elect two aldermen, one shall be elected for one year and one for two years. The aldermen of said city shall receive, to be paid out of the city treasury a compensation of five dollars for each and every regular meeting actually attended by them; it shall be the duty of the city clerk to file with the controller of said city, on the morning succeeding each regular meeting of the common council, a statement showing the names of the aldermen attending said meeting. One of the aldermen of each ward of the city shall represent the city on the board of supervisors, said alderman to be the one whose term shall soonest expire as an alderman of said city: Provided, That if the term of both expires at the same time then the one the oldest in point of continuous service, and if both are equal in this, the one who was elected for the shortest term, shall act as supervisor. Said aldermen, together with the mayor and city attorney, shall, in addition to such other officers as are so authorized under the provisions of this charter, represent said city and the several wards thereof, upon the board of supervisors, and shall perform all the duties pertaining to the supervision of townships not inconsistent with the terms of this charter; and they are hereby vested with all the powers and duties of supervisors, and as members of such board, and shall attend all sessions thereof. It shall be the duty of the city clerk to file with the county clerk, prior to each meeting of the board of supervisors, regular or special, the names of persons authorized to represent the city of Port Huron on the board of supervisors and in case of change, at any time, it shall be the duty of said clerk to notify the county clerk thereof in writing.
Aldermen, when elected.	
Proviso.	
Salary of aldermen.	
Alderman to be supervisor.	
Proviso.	
Board of supervisors.	
City clerk, duties of.	

CHAPTER III.

SEC. 3. The next city election of said city shall be held on the first Tuesday after the first Monday in November in the year nineteen hundred five, and thereafter an election shall be held in the said city on the first Tuesday after the first Monday in November in each year. At the election to be held on the first Tuesday after the first Monday in November, nineteen hundred five, in the several wards of said city, there shall be elected one alderman for two years and one member of the board of estimates for one year, except in the eleventh ward, which shall elect one alderman for two years and one alderman for one year, one member of the board of estimates for one year and one constable for one year. At the election to be held at the general biennial election of nineteen hundred six and at every general biennial election thereafter, there shall be elected a mayor, city clerk, city treasurer and one member of the board of estimates, all for a term of two years and each and every one of said officers, except the treasurer, shall assume the duties of the office to which he is elected on the first Monday in January following, except the city treasurer who shall assume the duties of his office on the first day of May following. There shall also be elected at the said biennial election in the year nineteen hundred six, in the several wards of said city, one alderman for two years, one constable for two years and one member of the board of estimates for one year and annually thereafter, on the first Tuesday after the first Monday in November of each year, one alderman for two years and one member of the board of estimates for one year and at every general biennial election thereafter a constable for two years; and such officers shall assume the duties of their office on the first day of January next following their election, and the present incumbents of said offices shall hold and retain their respective offices during the full term for which they have been elected, except the constables in each and every ward in the city whose term of office shall expire on the first day of January, A. D. nineteen hundred seven. Each ward shall be an election district and such election shall be held at such place in each ward as the common council shall designate; each elector shall vote in the ward in which he resides and the residence of an elector under this act shall be in the ward in which he lodges: Provided, That the common council shall have the power to designate and define the boundaries of two election districts in any of the wards of said city, if the number of votes in such ward shall exceed four hundred; that such number is to be determined by the number of votes cast at the last preceding election. In case of two election districts being established in any of the wards of said city, it shall be the duty of the common coun-

Election, when held.

Officers, when elected, term of office, etc.

Election districts.

Proviso, as to boundaries.

cil to appoint the necessary boards of election inspectors and provide for the holding of election in such district.

CHAPTER VII.

Aldermen,
term of office,

Council,
quorum of,
etc.

SEC. 2. Each ward shall be entitled to two aldermen who shall be residents of the ward from which elected. They shall be elected by the electors of their respective wards and shall hold office for two years. The aldermen of the city shall constitute the common council thereof. A majority of all the aldermen elected shall be a quorum for the transaction of business; but a smaller number may adjourn from time to time; and upon a call of the common council by any member thereof, if supported by a majority of the members present, whether a quorum or not, the mayor or president shall have power to send any member of the police force of the city to bring the absent aldermen forthwith before said common council.

Licenses, etc.

SEC. 31. The common council shall have power to tax, license and regulate any trade, occupation, profession or business carried on in said city, or any corporation doing business in said city, and may regulate trade and commerce within said city. It may also have power to enact such ordinances, by-laws and regulations as they deem desirable, to license and regulate saloons and to regulate and prescribe the location thereof, and to provide penalties for the violation of such ordinances, by-laws and regulations. Said council may also accept as sureties upon liquor bonds, in place of personal sureties, required by the State law, a surety company: Provided, The same is duly authorized to do business as a surety company in the State of Michigan, and said bond shall, for all effects and purposes, be the same as the bond required by the general State law for persons engaged in the business of selling intoxicating liquors.

Liquor bonds.

Proviso.

CHAPTER IX.

Board of
education,
appointed and
elected.

SEC. 2. The board of education shall consist of one member from each ward of the city; two at large and the mayor. Each member shall be a school inspector. The two members at large shall be appointed by the mayor and those from the wards shall be elected by the common council. They shall be elected and appointed at the first meeting of the council in May of the following years, as follows:

Nineteen hundred six—One at large; one from second ward; one from eighth ward; one from eleventh ward.

Nineteen hundred seven—One from first ward; one from fourth ward.

Nineteen hundred eight—One at large; one from fifth ward; one from tenth ward.

Nineteen hundred nine—One from sixth ward; one from seventh ward.

Nineteen hundred ten—One from third ward; one from ninth ward.

The members of said board heretofore elected or appointed shall retain their offices until the expiration of their respective terms. All vacancies existing in said board shall be filled in the manner hereinabove provided, and a person appointed to fill a vacancy shall continue to hold office to the expiration of the term of the person whom he was appointed to succeed and until his successor shall be elected and qualified. Each member shall take and file with the city clerk his oath of office within ten days after his appointment or election and upon failure so to do such election or appointment becomes void.

Term of office.

Vacancies.

Oath of office, filed with clerk.

SEC. 7. The board of education shall, on or before the first Monday in April in each year, deliver to the city controller an estimate of the amount of money necessary to carry on the schools under the charge of the said board for the next ensuing school year, which said estimates shall include all the ordinary expenses of running said school and caring for the schoolhouses, buildings and other property belonging to the board, and interest on temporary loans made by the board, which estimate shall be exclusive of the mill tax and any appropriation made for school purposes of educational fund shall not include mill tax. The said estimate shall show the purpose for which said money is required, and it shall be the duty of the board of education to furnish to the said controller, such information as may be desired for the purpose of enabling him to present the same, together with the estimates to the common council for their consideration. The said board of education is also authorized to borrow money in anticipation of the revenue to be derived from the sums authorized to be levied for the current fiscal year, as proposed by this act, and no evidence of indebtedness issued under the provisions of this section shall be for a longer period than nine months, or at a greater rate of interest than seven per cent per annum. It shall be the duty of the controller to present the said estimate to the common council at the same time that the common council are considering the annual estimate for general city purposes, and in case of the approval of such estimates by the common council the said estimates, or so much thereof as may be approved by the common council, shall be submitted to the board of estimates by the common council at the same time the estimates for the annual city taxes are submitted: Provided, That the amount of said estimates shall not be reduced by the said common council or said board of estimates below a sum equal to five and one-half dollars for

Estimates for ensuing year.

Exclusive of mill tax.

Authority to borrow money.

Controller to present estimate to council.

Proviso.

each and every child in said city, between the ages of five and twenty years, the number of children to be ascertained by the last report on the subject on file in the office of the clerk of St. Clair county, or the city clerk of the city of Port Huron.

CHAPTER XI.

Board of health, who constitutes.

City physician, term of office, etc.

Health officer.

City physician to make examination of injured persons.

Report to city attorney.

Medical attendance.

Proviso.

Public health records.

SECTION 1. The members of the police commission of the city of Port Huron shall, together with a physician to be elected by the common council, to be known as the city physician, constitute the board of health. Said city physician shall be elected at the first general or adjourned meeting of the common council in May, nineteen hundred six, and in each alternate year thereafter, who shall hold office for two years and until his successor is elected and qualified unless sooner removed by the common council. No person shall be elected to said office unless he has been a resident of the city of Port Huron for at least two years and engaged in the practice of medicine and surgery for a period of at least five years; he shall be a competent physician and shall be known as the health officer of the city of Port Huron and it shall be his duty to faithfully carry out all other requirements of the board of health or of the common council pertaining to the health of said city.

SEC. 14. Said city physician shall also be required, and it shall be his duty, to at once make an examination of each and every person claiming to have been injured within said city in any manner wherein any claim is, or can be made against the city of Port Huron and to make a report in writing of his investigation and determination to the city attorney, which shall be filed in his office; said report shall be as full and complete as shall be necessary to fully advise the city attorney of the nature and extent of the injuries received by the person injured.

SEC. 15. It shall be the duty of the said city physician to furnish medical attendance free to all persons living within the city, who are afflicted with a contagious disease, and who are financially unable to pay for such services. It shall also be his duty to dispense and furnish such persons such medicines as may be necessary for the proper treatment of such cases: Provided, That the actual cost of such medicines shall be paid by the city.

SEC. 16. It shall be the duty of said city physician to keep such records as may be necessary to comply with the ordinances of the city pertaining to the public health and to perform all duties that may be required of him as health officer of the city under the general laws of the State of Michigan, and to furnish to the common council at such time as may be required of him, all information desired in relation to matters of public health and the business of his said office.

SEC. 17. The said city physician shall receive an annual compensation to be paid out of the treasury of the city of Port Huron, the amount of which shall be fixed by resolution of the common council. Compensation fixed by council.

SEC. 18. The offices of sanitary inspector and clerk or secretary in the health offices, heretofore created by resolution of the common council, are hereby abolished and the work of the said officers shall hereafter be done by members of the police force under the control and supervision of the board of health. Offices abolished.

SEC. 19. All ordinances and resolutions and all parts of the city charter, which in any wise conflict with any and all provisions of this chapter are hereby repealed. Ordinances repealed.

CHAPTER XV.

SEC. 4. On or before the first Monday of April in each year there shall be presented to the controller estimates of the amount of taxes necessary to be raised as follows: By the board of water commissioners, of the amount necessary to be raised for the water fund; by the board of education, of the amount necessary to be raised for the educational fund, which shall be exclusive of the mill tax; by the chief engineer of the fire department, of the amount necessary to be raised for the fire department fund; by the chief of police, of the amount necessary to be raised for the police fund; by the trustees of the city cemetery, of the amount necessary to be raised for the cemetery fund; by the aldermen of the several wards, of the amount necessary to be raised in their respective wards for the ward road fund; by the superintendent of public works, of the amount necessary to be raised for the sewer fund, the street opening fund, the street cleaning fund, the repaving fund, the general road fund, the bridge fund and the park fund; and the controller shall add thereto his estimates of the amounts necessary to be raised for all other funds and purposes, and present the same, with such recommendations as he may deem expedient, to the common council on or before the third Monday of April in each year, and in case either or any of said board or officers shall fail to report estimates, the controller shall submit estimates of the amounts necessary to be raised. And if no estimates are presented, the common council shall prepare estimates for each and every one of the funds and purposes required, and it shall be the duty of the controller and of said boards and officers to give to the common council any information in their power, relative to said estimates or the finances of the city. Estimates to be given controller.

SEC. 9. It shall be the duty of the common council and the board of estimates annually to authorize, levy, assess and collect on the assessed value of all real and personal Controller to transmit to council.

Council may prepare.

Tax levy for different funds.

property in said city, made taxable by the laws of the State, taxes for the purpose of the interest fund, not exceeding in amount a sum sufficient to pay the interest accrued, or to accrue, on the funded debt of the city for the year for which said taxes are levied, and also taxes for the purpose of the sinking fund, of not less than twenty-five thousand dollars per year to pay the funded indebtedness of said city and the different boards; also taxes for the purpose of the educational fund.

May issue
canal bonds.

Authorized
by board of
estimates.

Canal commis-
sion, powers
of.

SEC. 33. In addition to the powers already conferred in this charter, the said city of Port Huron, at any time the canal commission mentioned in this charter by and with the consent of the common council may determine it necessary after the commencement of the canal mentioned in this charter, is hereby authorized and empowered to bond itself in an additional sum not exceeding twenty-five thousand dollars, for the purpose of completing said canal; said bonds, when issued, shall be denominated "Canal Construction Bonds" and shall not be for a longer period than thirty years. No such bonds shall be issued unless authorized by the board of estimates, but no vote by the resident taxpayers or electors of the city shall be necessary. The proceeds of the sale of said bonds shall be placed in the canal construction fund and shall only be used the same as such funds.

SEC. 34. Said city of Port Huron is hereby authorized and empowered to proceed with the work of building the canal now commenced between Lake Huron and Black river, in such manner as the canal commission by and with the consent of the common council of said city may direct; and if so directed, the said city by its said canal commission may proceed to let a new contract for the completion of said canal with or without taking bids therefor, by and with the assent and approval of the said council; and the said canal commission for and on behalf of the said city may complete said canal by day work without letting any contract therefor, if in its judgment the same is in the interests of the said city so to do.

CHAPTER XVI.

Board of
review, who
constitutes.

Compensation.

Meetings,
when held.

SEC. 5. The board of review shall consist of the controller and four resident electors of said city, no two of whom shall be from the same ward, to be appointed by the mayor subject to the approval of the common council on or before the third Monday in March in each year. The members of said board of review so appointed shall receive a compensation not to exceed three dollars per day for the time they are so employed. The said board of review shall meet at the common council room in said city on the first Monday in April

of each year and continue in session from day to day, until all such assessment rolls have been fully and carefully reviewed, corrected and approved, which shall be on or before the second Monday in April: **Provided**, That the common council shall have the power to extend the time not exceeding three days. The board shall have power and it shall be its duty to amend and correct any assessments or valuation and to place upon the assessment roll of the proper ward, any taxable property, real or personal, not already assessed, held or owned by any person or persons and to strike from said roll any property, real or personal, wrongfully thereon. Any persons considering themselves aggrieved by reason of any assessment may complain thereof, either verbally or in writing before said board and on sufficient cause being shown by the affidavit of such person, or oral proof or other evidence to the satisfaction of such board, it shall review the assessments complained of and may alter and correct the same as to the person charged thereby, the property described therein and the estimated value thereof, and may increase or diminish any assessment it may see fit. The concurrence of a majority of the board shall be sufficient to decide any question of altering or correcting any assessment complained of. The board, or a majority of them having completed the review and correction of said assessment roll, shall sign and return the same to the common council at a meeting of said council to be held on the third Monday in April. The board shall elect one of their own members as chairman and the city clerk shall be the clerk of said board. It shall be the duty of such clerk to keep a record of all the proceedings of said board in a book provided for that purpose, to make regular entries of all resolutions and decisions on all questions, to record the vote of each member of said board on any question submitted to the board, if required by any member present, and to file and preserve all petitions, affidavits and other written documents presented to the board. No assessment shall be changed in any way, except by a motion or resolution regularly put and adopted by a majority of the members of said board, which motion or resolution shall state the amount at which the assessment is fixed, as reviewed by said board. Each day's proceedings of said board shall be read, approved and signed by the chairman thereof: **Provided**, That the city assessors shall be required to be present during all the time that the board of review is in session to assist such board in giving such information as shall be asked of them but they shall have no voice in the deliberation of the board and shall not vote on any questions submitted to said board for determination.

SEC. 8. The common council shall hear and determine all appeals in a summary manner and correct any errors which it may discover in the assessment roll, and place thereon the names of any persons and a description of any

Proviso.

Powers of board.

Majority to decide.

Chairman and clerk.

Duties of clerk.

Proceedings signed by chairman.
Proviso.

Council to correct errors, etc.

Proviso.	property not already assessed and assess the same and may increase or diminish any assessment as they may determine: Provided, That they shall not increase any assessment or property without giving reasonable opportunity to the person owning or having charge of the same, or the person to whom it is assessed, if known, to appear and be heard. The common council shall have power, at any time after the rolls have passed into the hands of the controller, by resolution, to direct the controller to place upon the assessment and tax roll of the proper ward any personal property within said city which has not been assessed. And for the purposes thereof the said common council shall have the power of fixing the amount of such assessment and it shall be the duty of the controller to place the same upon the assessment roll and to carry out opposite said assessment the amount of taxes, according to the percentage on all other property in the ward in which said property is situated. The common council shall also have power to change any assessment roll that has been heretofore made, when they deem it expedient, by making a new roll extending the time of payment and the common council shall also have the power, where land is platted or subdivided after assessed, to reassess the total assessment upon the respective subdivisions: Provided, That before any such new assessment shall be placed upon the roll or taxes spread thereon the corporation or person so assessed shall be notified in such a manner as the common council may direct, and he shall have a reasonable time in which to appear before the common council, and the person so assessed shall have the right to file or make any objections thereto, as he may desire, and the common council shall consider such objections and after any revision, change or alteration, shall by resolution confirm the same. The taxes upon said roll, spread upon personal property, shall be and remain a lien upon such property from the time of their assessment, and such lien shall take precedence of all mortgages and transfers made thereupon after such assessment. And in the event of the sale of such property, or the attempted removal thereof, from the city of Port Huron the controller of said city shall have the power and authority to issue a warrant under his hand directed to the treasurer of said city, directing him to collect the amount of such personal tax, and the city treasurer may proceed forthwith to collect the same and shall have the same power and authority to proceed, and shall proceed in a like manner for the collection of said taxes as he might or could at the time the general rolls passed into his hands for collection.
Powers of council.	
Proviso.	
Tax to be lien upon property.	
Power to collect, in whom vested.	

CHAPTER XVII.

SEC. 6. After the completion of such roll the city engineer shall add thereto four columns, which shall be respectively designated as part one, part two, part three, and part four. He shall then carry out opposite each description of land in each of the columns herein designated one-fourth of the total assessment against such description of land, and said parts, two, three and four shall not be collected until the expiration of one, two and three years respectively from the confirmation of such assessment roll; but interest shall be paid by the owner or occupant of the property assessed upon such parts at the rate of five per cent per annum payable annually: *City engineer to attach description of land to tax roll, etc.* Provided, That any person may pay any part or the whole of the assessment made against any of the property owned or occupied by or assessed to such person previous to the time when such parts can be collected: *Proviso.* Provided, That the common council shall have the power to cause to be added to such roll not more than twelve columns, and it shall be the duty of the city engineer to add to such roll as many columns, in excess of four, and not exceeding in all twelve, as he shall be directed so to do by the common council. He shall, in such event, carry out opposite each description of land in each of said columns, herein designated an amount equal to the total amount assessed against such description of land, divided by the total number of columns added to such roll. Part one of said roll shall be payable immediately after the confirmation of the same as herein provided, and part two of said roll shall not be collected until the expiration of one year from the confirmation of such roll, and one of each succeeding parts shall be payable annually; interest shall be paid by the owner or occupant of the property assessed upon all parts at the rate of five per cent per annum, payable annually: *When payable.* Provided, That any person may pay any part or the whole of the assessment made against any of the property owned or occupied by or assessed to such person, previous to the time when such parts can be collected. *Proviso.*

SEC. 9. Upon the confirmation of said roll as aforesaid, the city clerk shall deliver the same to the city controller, who shall attach to the same a warrant under his hand, directed to the city treasurer, commanding and requiring him to collect from the several persons named therein the several sums set opposite their respective names, in the column headed "part one." Such warrant shall authorize the treasurer, in case any person or persons named in the assessment roll shall neglect or refuse to pay his, her, or their assessment, to levy the same by distress and sale of the goods and chattels of such person or persons, and from such distress and sale no property shall be exempt, and the con- *Tax roll, to whom delivered.* *Treasurer to collect.*

Interest to
be added.

troller shall thereupon deliver such roll to the city treasurer. When parts two, three and succeeding parts shall respectively become due, the controller shall add to the amount appearing in each of such respective parts and opposite each of the several descriptions, the interest accumulated on all sums remaining unpaid and to be collected as provided in this chapter, and shall attach to said roll his warrant, commanding the treasurer to collect the amounts appearing in such respective parts in the manner herein provided for the collection of part one, together with the interest as computed and placed thereon by him, and the city treasurer shall have the same authority for the collection thereof as is hereby given him for the collection of part one.

May issue
improvement
bonds.

Sec. 13. After the confirmation of such assessment roll as aforesaid, the common council may issue public improvement bonds, to an amount not exceeding three-fourths of the amount to be raised for such work or improvement; such bonds shall be designated "public improvement bonds" and shall be payable at the treasurer's office in the city of Port Huron and the proceeds of such special assessments shall be paid into the public improvement fund, for the specified purpose of paying such public improvement bonds and no other. Said bonds shall be payable in as many years as there are columns upon the special assessment less one, and an equal amount of said bonds to be payable annually from date of issuance until all paid and shall bear interest not exceeding seven per cent per annum.

How payable.

Invalid
assessment
may be set
aside.

Sec. 16. Hereafter whenever any special assessment shall, in the opinion of the common council, be invalid, or when the common council deems it necessary for any reason, said council may vacate and set the same aside; and when any such special assessment shall be so vacated or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said council may cause a new special assessment to be made for the purpose for which the original assessment was made. And whenever the tax, or any part thereof assessed on any lot or parcel of real estate by the original assessment set aside or held invalid, as aforesaid, has been paid, it shall be the duty of the city treasurer to apply said payment upon the reassessment on said lot or parcel, and to make a minute thereof upon the new assessment roll, and the surplus, if any, shall be returned by the common council, and such reassessment shall, to the extent of such payment, be deemed paid and satisfied. All the provisions of this chapter making special assessments a lien upon the lots and parcels of real estate embraced therein, and also to those relating to the collection of special assessments made under this section, shall apply to said reassessment. The provisions of this section shall apply to special assessments which shall hereafter be made.

New
assessment.

Payments
applied on
reassessment.

CHAPTER XXII.

SECTION 1. The police force of the city of Port Huron, as now organized, shall be under the control and management of a police commission hereby created, and such commission shall consist of the mayor, who shall be an ex officio member and chairman of said board, and four other persons who shall be appointed the first Monday in January, A. D. nineteen hundred six, two for a term of two years and two for a term of one year, and thereafter two shall be appointed annually on the first Monday in January for a term of two years each, and all such appointments shall be made by the mayor with the approval of the common council, and all vacancies shall be filled in the same manner within thirty days after such vacancy occurs. Said police commissioners when so appointed shall qualify by taking the same official oath as other officers of said city: Provided, That the present commission shall remain as at present constituted, until the appointment and qualification of their successors.

Police commission,
members of.

Term of office.

Appointed by
mayor; confirmed by
council.

Oath.

Proviso.

This act is ordered to take immediate effect.

Approved June 13, 1905.

[No. 631.]

AN ACT to amend sections two and five of title three; sections two, three, four, eight, seventeen and nineteen of title four; sections eight, nine, nineteen, twenty-two and forty-two of title five; sections five, thirty-three, fifty-eight and sixty-four of title six; section two of title seven; sections one and two of title eight; sections one, three and five of title ten; section three of title thirteen; sections one and two of title fourteen; sections eight and nine of title sixteen; section five of title seventeen; sections four, five and ten of title nineteen; section fifteen of title twenty; and section fourteen of title thirty-three, of act number four hundred twenty-four of the local acts of eighteen hundred ninety-five, entitled "An act to incorporate the city of Traverse City in the county of Grand Traverse, and to repeal all acts and parts of acts in conflict herewith," approved May eighteen, eighteen hundred ninety-five, as amended by act number three hundred twenty-eight of the local acts of eighteen hundred ninety-nine; and to add three new sections thereto to stand as section three of title two, sections five a and twenty-five of title nineteen; and to repeal section twenty-two of title four; sections twenty-seven, twenty-eight and thirty-one of title six; and section four of title thirteen of said act.

*The People of the State of Michigan enact:*Sections
amended.

SECTION 1. Sections two and five of title three; sections two, three, four, eight, seventeen and nineteen of title four; sections eight, nine, nineteen, twenty-two and forty-two of title five; sections five, thirty-three, fifty-eight and sixty-four of title six; section two of title seven; sections one and two of title eight; sections one, three and five of title ten; section three of title thirteen; sections one and two of title fourteen; sections eight and nine of title sixteen; section five of title seventeen; sections four, five and ten of title nineteen; section fifteen of title twenty; and section fourteen of title thirty-three of act number four hundred twenty-four of the local acts of eighteen hundred ninety-five, entitled "An act to incorporate the city of Traverse City in the county of Grand Traverse, and to repeal all acts and parts of acts in conflict herewith," approved May eighteen, eighteen hundred ninety-five, as amended by act number three hundred twenty-eight of the local acts of eighteen hundred ninety-nine, are hereby amended; three new sections are hereby added thereto, to stand as section three of title two; sections five a and twenty-five of title nineteen; and section twenty-two of title four; sections twenty-seven, twenty-eight and thirty-one of title six; and section four of title thirteen of said act is hereby repealed; said amended and added sections to read as follows:

TITLE II.

Proposition
to redistrict,
etc., submitted
to electors.

SEC. 3. Upon a petition signed by three hundred freeholders of the city, praying to redistrict the city into wards, divide any ward or change the boundaries thereof, establish new wards or increase the number of wards of the city, not exceeding nine in number, within the limits prescribed in chapter one of this act, presented to them, the city council may by two-thirds vote of all the aldermen-elect of the city adopt a resolution submitting the proposition to redistrict the city into wards, divide any ward or change the boundaries thereof, establish new wards or increase the number of wards in the city, not exceeding nine in number, as the case may be, to the electors of the city at the next regular city election, or at a special election duly called for that purpose. Such resolution shall distinctly set forth the proposition to be voted upon and shall fix the time when the same shall take effect, and the proceedings relative thereto shall be entered at length in the records of the city council. The proposition to be submitted by said resolution shall be published once in each week for four successive weeks immediately preceding the election in one or more newspapers published and circulated in the city, to be designated by the

What to
specify.Publication
of notice.

city council, and notice that such proposition will be submitted to the electors of the city, shall also be given in the same manner and for the same length of time as is provided in this act for giving notice of general city elections; and the votes shall be counted and canvassed and the returns shall be made and the result declared and determined in the same manner as is provided in this act for the counting, canvassing, returning and determining of results of general city elections. If a majority of all votes cast at said election are in favor of the proposition as submitted, the city council shall so declare and the same shall go into effect at the time indicated in said proposition. The ballots used in such election shall contain the instructions required by the general election laws of the State, and the proposition to be submitted shall be substantially in the following form:

Canvass of
votes, etc.

Ballots.

For redistricting the city into wards, Yes. []

Form of.

For redistricting the city into wards, No. []

or as the case may be.

SEC. 4. The wards which may be established by the council and all changes in existing wards shall be bounded by streets, alleys, avenues, public grounds, railroads, streams of water or corporation limits, and the wards as established or changed shall be composed of adjacent territory and shall be as compact as may be; and in establishing, changing or redistricting the wards, it shall be so done as to give the several wards as near an equal number of inhabitants as may be practicable.

Wards, how
bounded, etc.

SEC. 5. No changes in the boundary of any ward shall be made within sixty days next preceding an election therein; no election of aldermen or ward officers shall be held in any newly established ward or in any ward on account of changes in the boundaries thereof previous to the next annual city election, nor shall the office of any alderman or other officer elected in any ward, be affected by reason of any change in such ward; but any such alderman or other officer shall, during the remainder of his term, continue in office and to represent the ward including the place of his residence at the time of the change of the boundaries of the ward, unless the office becomes vacant for some other cause.

Boundary
changes;
election, when
held, etc.

Aldermen,
term of office.

SEC. 6. When by the creation of a new ward, where two aldermen are to be elected therein at the same time, one of them shall be elected for one year and one for two years, and the term of each shall be designated on the ballot.

Where two
elected at
same time.

TITLE III.

SEC. 2. Every elector shall vote in the ward where he shall have resided during the twenty days next preceding the day of election. The residence of an elector, not being a householder, shall be deemed to be in the ward or election district in which is located his regular place of lodging.

Electors,
residence in
ward.

Registration
board, meet-
ings of, when
held, etc.

SEC. 5. The meetings of the board of registration of said city shall be held and conducted in accordance with the general provisions of the laws of the State of Michigan governing the registration of electors in cities as the same now exists or may be hereafter amended.

TITLE IV.

Officers, when
elected, term
of office, etc.

SEC. 2. At the first election there shall be elected on the city ticket, by the qualified voters of the whole city, viz.: A mayor, city clerk and city treasurer for a term of two years each; three school inspectors, one for one year, one for two years and one for three years; three members of the board of public works, one for one year, one for two years and one for three years; four justices of the peace, one for one year, one for two years, one for three years and one for four years; and one judge of the recorder's court for a term of four years; and at each annual city election thereafter there shall be elected one school inspector for one year, one justice of the peace for four years, and one member of the board of public works for three years; and at each second annual election thereafter there shall be elected one mayor, one city clerk and one city treasurer for the term of two years each; and at each fourth annual election thereafter there shall be elected one judge of the recorder's court for the term of four years: Provided, That at the annual election to be held in said city on the first Monday in April in the year nineteen hundred six said mayor and city treasurer shall be elected to serve for a term of two years each, and biennially thereafter: And provided further, That at the said annual election to be held in said city on the first Monday in April in the year nineteen hundred six, the said city clerk shall be elected to serve for a term of one year and biennially thereafter: And provided further, That at said annual election to be held in said city on the first Monday in April, in the year nineteen hundred six, there shall be elected five members of the board of education, one for a term of one year, two for the term of two years and two for the term of three years, and annually thereafter there shall be elected one or more members of the board of education for the term of three years: And provided further, That this section shall not be construed to require the election of any officer in the year nineteen hundred six, whose present term of office does not expire during the year nineteen hundred six. No person shall be eligible to hold the office of city treasurer for more than two terms in succession, and no two members of the board of education shall be residents of the same ward in said city.

Proviso.

Further
proviso.

Further
proviso.

Further
proviso.

Ward officers,
when elected.

SEC. 3. At the first election held in said city there shall be elected on the ward ticket in each ward, viz.: A super-

visor and constable for one year each; two aldermen, one for one year and one for two years, and at each annual city election thereafter there shall be elected one supervisor for one year, one alderman for two years and one constable for one year.

SEC. 4. An election shall be held in each ward annually, on the first Monday in April, at such place as the council shall appoint, and the city clerk shall cause printed notices of the holding of such election to be posted at least ten days previous thereto, in three of the most public places in each ward. Election, when held. Notice of.

SEC. 8. On the day of any election held by authority of this act the polls shall be opened in each ward at the places designated by the council at seven o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which time they shall be finally closed. Polls, when open.

SEC. 17. When a vacancy occurs in any elective office, it shall be optional with the council to order a special election. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, the council may, in their discretion, fill such vacancy by the appointment of a suitable person, and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment only until the first Monday of May next succeeding; if an elective office, which shall become vacant, is one of that class whose term of office continued after the next annual election, a successor for the unexpired term shall be elected at the next annual election. Vacancy, how filled.

SEC. 19. On the first Monday in May of each year, or as soon thereafter as may be, the mayor shall place in nomination and the council may approve the same, one city attorney, one city engineer, one city marshal, one city electrician, one fire chief, one or more pound masters, inspectors of wood, weigh masters, and auctioneers, one director of the poor, and one inspector of election in each ward, and such other officers as may be necessary to carry into effect the powers granted by this act, who shall hold their offices for one year, or for a longer time when not inconsistent with this act: Provided, That the inspector of election shall hold office for two years. There shall also be appointed one health officer, who shall be a practicing physician, for a term of one year, also a board of building inspectors, who shall be competent mechanics, builders or architects, also a board of library trustees, each composed of three members, one for a term of one year, one for a term of two years, and one for a term of three years, and each year thereafter one member of each board for a term of three years. No person shall be appointed to any office by the council except by a majority vote of all the members of the council elect; and the council may by ordinance prescribe the duty of all officers, in addition to those defined in this act. Whenever any officer appointed by the provisions of this act shall from any cause be Appointments by mayor. Proviso. Other appointees. Council to confirm, etc.

Proviso.

Proviso.

Persons
eligible for
office.

unable to perform the duties of his office, the council shall have the power to appoint an officer who shall perform the duties of the office until such inability shall cease: Provided, however, That any person holding the office of sheriff, under sheriff, deputy sheriff or jailer shall not be eligible to the office of city marshal in said city: Provided, That in the year nineteen hundred six two inspectors of election shall be appointed in each ward, one for the term of one year, and one for the term of two years, and annually thereafter one inspector of election shall be appointed in each ward for the term of two years.

SEC. 24. No person shall be eligible to any office unless he shall be an elector and resident of said city, and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city, or to any board of officers thereof, or to any school district, county or other municipal corporation of the State. All votes for or any appointment of any such defaulter shall be void.

TITLE V.

Council, meet-
ings of, to be
public.
Quorum.

Majority
vote, etc.

Appropriations,
by ordinance or
resolution.

Proceedings
of council.

SEC. 8. All meetings and sessions of the council shall be public, except when the public interest shall in their opinion require secrecy. A majority of the aldermen-elect shall constitute a quorum for the transaction of business; a less number shall adjourn from time to time and may compel the attendance of absent members in such manner as they shall direct. But no office shall be created or abolished, nor any tax or assessment be imposed, nor contract approved, nor franchise granted, street, alley or public ground vacated, real estate or any interest therein acquired, sold or disposed of, nor private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen-elect; nor shall any vote of the council be rescinded or reconsidered at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution or ordinance be passed or adopted, except by a majority vote of all the aldermen elected, except as herein otherwise provided.

SEC. 9. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. The adoption of any resolution or ordinance, report of a committee, or other acts for taxing or assessing the citizens of said city, or involving the appropriation of public moneys, shall be by a majority vote of all the aldermen-elect and shall be taken by "yeas" and "nays," and be entered upon the journal so as to show the names of those voting in the affirmative and those in the negative; any member of the council shall have the right to demand the "yeas" and "nays" on any question,

and all votes so taken shall be entered at large in the minutes as herein provided and within one week after any meeting of the council, all proceedings and votes taken there- Publication of
at shall be published in one of the newspapers of the city.

SEC. 19. The council shall have power within said city to enact, make, continue, establish, modify, amend and repeal said ordinances, by-laws and regulations as they may deem advisable within said city for the following purposes: Powers of council.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporations or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith; Gambling, etc.

Second, To apprehend and punish vagrants, drunkards, disorderly persons and common prostitutes; Vagrants, etc.

Third, To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same; and generally to determine and declare what shall be deemed nuisances; Nuisances, etc.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof; Houses of ill fame.

Fifth, To regulate, license or prohibit and suppress billiard tables, nine or ten pin alleys or tables, and ball alleys, and to punish the keepers thereof; Ball alleys, etc.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming; Gaming.

Seventh, To regulate, license or suppress ale, beer and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof and all persons assisting in carrying on the business thereof, and to require all such places to be closed on Sunday and upon other days during such hours of every night as the council shall prescribe; and provide certain bounds and limits in the said city (such limit shall be within the limit patrolled by the police), within which the business of vending, selling, giving away or having for sale spirituous, vinous, malt or brewed liquors or any other intoxicating liquors or admixtures thereof shall be conducted and carried on, and may further prohibit the vending, selling, giving away, furnishing or having for sale, intoxicating liquors or admixtures thereof, except within the district and limits in said ordinance appointed and limited for the sale thereof, and may prescribe penalties for the vio- Liquors, etc.
Within certain limits.

- lation of such ordinance as in this act limited and provided;
- Sale to intemperate person, minor, etc.** Eighth, To prohibit and prevent the selling or giving away of any spirituous, fermented and intoxicating liquors to any drunkard or intemperate person, minor or apprentice and to punish persons so doing;
- Theatrical exhibitions, etc.** Ninth, To regulate, license, restrain or prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature for which money or other reward is in any way demanded or received, lectures on historic, literary, moral or scientific subjects excepted;
- Violation of Sabbath.** Tenth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day, commonly called Sunday;
- Auctioneers, etc.** Eleventh, To license auctioneers and sales at auction, to regulate or prohibit the ringing of bells or the use of any other device to attract public attention for any auction sale; to regulate or prohibit the sale of goods, wares, property or anything at auction or by any manner of public bidding or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no licenses shall be required in cases of sales required by law to be made at auction or public vendue;
- Pawnbrokers, etc.** Twelfth, To license hawkers, peddlers and pawnbrokers, and hawking and peddling; and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device, in the streets or highways;
- Horses, etc.** Thirteenth, To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes, alleys or public places in the city to be securely fastened, hitched, watched or held;
- Dogs.** Fourteenth, To regulate, license or prohibit the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights;
- Putrid meats, etc.** Fifteenth, To prohibit any person from depositing within the limits of said city any dead carcass or unwholesome or offensive substances and to require the removal or destruction thereof. If any person shall have on his premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his failing to remove the same, to authorize the removal or destruction thereof by some officer of the city;
- Cruelty to animals.** Sixteenth, To prohibit and prevent cruelty to animals and provide a penalty therefor and punish offenders.
- Chimney sweeps.** Seventeenth, To appoint, license and regulate scavengers and chimney sweeps, fix their fees and compensation and prescribe their rights and duties;

Eighteenth, To provide for and regulate the inspection and sale of meats, poultry, fish, butter, cheese, lard, vegetables, flour and other provisions; to regulate the fees to be paid by butchers for licenses: Provided, That nothing herein contained shall authorize the council to restrict the sale of fresh and wholesome meats by the quarter within the limits of the city;

Inspection of meats, etc.

Proviso.

Nineteenth, To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise;

Brick, lumber, etc.

Twentieth, To provide for the inspection and sealing of weights and measures; and to enforce the keeping and use of proper weights and measures by venders;

Weights and measures.

Twenty-first, To license and regulate wharf boats within the jurisdiction of the city;

Wharf boats.

Twenty-second, To prohibit and prevent in the street and elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, books or pamphlets and all indecent or obscene exhibitions or shows of every kind;

Indecency.

Twenty-third, To regulate or prohibit bathing in the bay, rivers, ponds, streams and waters of the city;

Bathing.

Twenty-fourth, To prohibit within such places or districts as they shall deem expedient, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, and the storing of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings, and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires;

Explosives.

Twenty-fifth, To license, continue and regulate so many ferries upon the waters of Grand Traverse bay and Boardman lake and Boardman river for carrying and transporting persons and property upon said bay, lake or river, in such manner as shall seem most conducive to the public good;

Ferries.

Twenty-sixth, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer or other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;

Grocery, etc.

Twenty-seventh, To regulate the buying, selling and using of gunpowder, firecrackers and fireworks, and other combustible materials, and the exhibitions of fireworks, and the discharge of firearms, and to restrain and regulate the depositing of ashes and the making and lighting of fires in the streets and other places in the city;

Fireworks, etc.

- Drains, etc.** Twenty-eighth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, private drain, sink or privy thereon;
- Numbering buildings.** Twenty-ninth, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks;
- Lotteries, etc.** Thirtieth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatever and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, directing or managing the same;
- Draymen, etc.** Thirty-first, To license and regulate solicitors for passengers or baggage for any hotel, tavern, public house, boat or railroad, park or fair grounds; also draymen, truckmen, porters, runners, drivers of omnibuses and express vehicles, and vehicles of every description used or employed for hire, and to fix and regulate the amount and rates of their compensation;
- Paupers.** Thirty-second, To provide for the protection and care of paupers, and to prohibit and prevent all persons bringing to the city from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor; and to return any such person so brought to the city to the place from whence he came or to which he properly belongs; and to provide for the employment of any such persons under such rules and regulations as they may consider for the public good;
- Census.** Thirty-third, To provide for taking a census of the inhabitants of the city whenever the council shall see fit, and to direct and regulate the same;
- Ordinances, etc.** Thirty-fourth, And further the council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons or any corporation, for any purpose whatever;
- Weeds, etc.** Thirty-fifth, And further, the council shall have authority to require all thistles, burdocks, yellow docks and other objectionable weeds found growing on any public or private property within the city limits to be destroyed; but before entering upon any private property for the purpose of destroying the weeds mentioned herein, the council shall cause a notice, written or printed, or partly written and partly

printed to be served on the owner or occupant of said property, requiring the destruction within five days after service of such notice. If no service of such notice can be had upon the owner or occupant, then it shall be sufficient to post the same in some conspicuous place on the premises, and the cost of removing such weeds shall be paid from the city treasury and the same assessed against the property in the next general assessment roll of the city;

Thirty-sixth, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters; Sewers, etc.

Thirty-seventh, To provide for clearing lakes, rivers, streams and bays of the city of all drift wood and noxious matter, and to prohibit and prevent the depositing therein of any filth or other matter and to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive; Lakes and rivers.

Thirty-eighth, To prohibit, prevent and suppress mock auctions and other kind of fraudulent game, device, practice, and to punish all persons managing, using, practicing or attempting to practice the same, and all persons aiding in the management or practice thereof; Mock auctions, etc.

Thirty-ninth, To prohibit and punish the use of toy pistols and guns, slingshots, and other dangerous toys within the city; Toy pistols, etc.

Fortieth, To prevent or provide for the construction and operation of street railways, and to regulate the same, and to determine and designate the route and grade of any street railway to be laid or constructed in this city; Street railways.

Forty-first, To provide for, regulate and preserve public fountains and reservoirs within the city, and such troughs and basins for watering animals as they may deem proper; Fountains, etc.

Forty-second, The council may license transient traders which shall be held to include all dealers in any kind of personal property, goods or merchandise, who may engage in the business of selling such personal property, goods or merchandise after the commencement of the fiscal year, and the license fee may be in such case proportioned with the relation to the part of the fiscal year which has expired; but such traders, if they continue in the same business, shall not be required to take out a second license after the commencement of the next fiscal year: Provided, Such goods or merchandise have been assessed for taxes for said fiscal year; Transient traders.

Forty-third, To establish, maintain and regulate the markets and market places of said city and to purchase the necessary grounds, regulate and provide for the necessary buildings therefor; to appoint the necessary officers therefor and to provide for the government thereof; Markets, etc.

Forty-fourth, To determine and designate the routes and grades of any railroads to be built in said city; and to regulate the use of locomotives, engines and cars upon the rail- Railroads, crossings, etc.

roads within the city, to prescribe and fix the rate of speed at which locomotives, engines and cars may be run upon the railroads within the limits of said city, to require railway street crossings to be lighted, and to prescribe the manner in which such street crossings shall be lighted, by the railroad company owning or operating such railroads within said city;

Fast driving,
etc.

Forty-fifth, To prevent and punish horse racing and immoderate driving upon any street, and to regulate the speed of automobiles, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, and to require any horse or mule attached to any vehicle or standing in any of the streets, lots or alleys of said city to be securely fastened or held;

Wharves and
docks.

Forty-sixth, To erect and repair and regulate public wharves and docks at the end of streets and on the property of the city or of any corporation, to regulate the erection and repair of private wharves and docks so that they shall not extend into Boardman lake or river or Grand Traverse bay beyond certain lines to be established by the council;

Depository
for funds.

Forty-seventh, To enter into contracts for the depositing of city funds, and to make contracts for other purposes whenever authorized to do so by the provisions of this act;

Persons given
aid, to give
security.

Forty-eighth, The council may require any person or persons applying to the city or director of the poor for aid, who shall own any property, either real or personal, to give security upon such property, or execute a conveyance thereof to the city, for the payment of any money or property which may be paid or turned over to him or them. Said city of Traverse City is hereby authorized and empowered to receive and hold, either as security or absolutely, any property, either real or personal, which may be conveyed, pledged or paid to it in accordance with this section, and may make such disposition of the same as the council shall deem advisable and for the best interest of the city.

Saloon
keepers, etc.,
to procure
license.

SEC. 22. No person shall engage in or exercise the business or vocation of tavern keeper, innholder or saloon keeper, within the limits of said city, until he is first licensed as such by the council, and the council shall by ordinance or resolution, fix and prescribe the annual license fee which shall be paid by such tavern keeper, innholder or saloon keeper, at not less than twenty-five dollars per annum. All hotel or tavern keepers, innholders or common victualers who shall keep a bar in connection with their hotel, tavern, inn or common victualing establishment, and all grocers, druggists and all other persons who shall sell beverages by the glass or cup in their respective establishments which are usually sold in saloons shall be deemed saloon keepers within the meaning of this act, and shall be required to take a license as such.

Who deemed.

Tax levy to
include inter-
est money, etc.

SEC. 42. It shall be the duty of the city council in every year, so long as the city shall remain in debt, to include in

the taxes levied, a sum not less than the amount of the bonds and interest coming due in said year: **Provido.** That it shall not be necessary to include such amount in the taxes if the amount then remaining in the sinking fund of said city shall be sufficient to pay such bonds and interest.

TITLE VI.

SEC. 5. The mayor is ex officio member of the board of canvassers and chairman of said board, and also ex officio member of the board of education of the city of Traverse City, and as such, president of said board and shall preside at the meetings thereof and be entitled to vote upon all questions arising at such meetings. The mayor shall also be ex officio member of the board of public works, and be entitled to vote upon all questions arising at the meetings of said board. **Mayor, ex-officio member of boards.**

SEC. 33. The aldermen of the several wards of the city shall be members of the common council and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council; as conservators of the peace they shall aid in maintaining quiet and good order in said city, and in securing faithful performance of duty by all officers of the city. **Aldermen, duties of.**

SEC. 58. The board of public works, composed of the mayor and three members elected for the office, shall have control and management of all public works, public grounds and buildings, except otherwise provided in this act, cemeteries, parks, sewers, drains and water courses, streets, sidewalks, crosswalks, paving, highways and bridges, and the construction and repair thereof, subject to the ordinances of the city, the provisions of this act, and the laws of this State, and shall have charge and control of such other departments and work as the council shall direct by ordinance. **Board of public works, members of, duties, etc.**

SEC. 64. The mayor shall be entitled to receive such annual salary as the council may allow, not to exceed three hundred dollars per annum. Each alderman shall be entitled to receive such annual salary as the council may allow, not to exceed two hundred dollars per annum. Each member of the board of public works shall receive such annual salary as the council may allow, not exceeding two hundred dollars per annum. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls and for all other services performed by them, when a charge can be made against the city for services, shall be two dollars per day for the time actually employed. Inspectors of election and board of registration shall receive two dollars per day for the time actually employed. Clerks of inspection and gate keepers shall receive one dollar and fifty cents per day for the time actually employed. The clerk, **Salaries of officers.**

treasurer, city marshal, city engineer, city electrician, fire chief, and city attorney shall each receive such annual salary as the council shall determine by ordinance. All other officers elected or appointed shall, except as herein provided, receive such compensation as the council shall determine: Provided, That the provisions of this section shall not become operative until a majority of the qualified electors of said city, voting at a general or special election called for that purpose, shall vote in favor of said salaries.

TITLE VII.

Board of
education,
members of.

Meetings and
duties of.

Proviso.

SEC. 2. The mayor and five resident electors of the city elected to the office shall be members of and constitute the board of education of Traverse City, and shall have charge of the public schools of said city. They shall meet from time to time, at such place in said city as the mayor may designate for the transaction of business. A majority of the members shall constitute a quorum for the transaction of business. The mayor shall be president of the board of education. The city treasurer shall be treasurer of the public schools. The clerk shall be clerk of said board and shall keep a record of their proceedings, which shall be signed by the president and clerk: Provided, That in the absence of the president or clerk, the members present, if a quorum, may appoint a president and also a clerk to perform such duties. Any proceedings of said board, certified by the president and clerk shall be evidence of the facts therein contained, and justices of the peace shall have jurisdiction over all prosecutions for the violation of the by-laws and ordinances of said board.

TITLE VIII.

Tax levy for
public library.

Proviso.

Further
proviso.

SECTION 1. The council of Traverse City shall have power to establish and maintain a public library and reading room, for the use and benefit of the inhabitants of said city, and shall levy a tax of not less than one-half of one mill on the dollar annually on all taxable property in the city, such tax to be levied and collected in like manner with other general city taxes, and to be known as the "Library Fund:" Provided, That whenever the council shall deem it necessary and expedient to provide grounds and buildings to be used and occupied as a free public library and reading room, they may lease the same and provide it with suitable and approved appliances for the management thereof: Provided further, That whenever said council shall determine by resolution that it is expedient to acquire by purchase grounds and buildings, or for the construction of a suitable building in which to estab-

lish a free library and reading room, they shall have power to and may raise by tax not to exceed three mills on the dollar annually on all the taxable property in the city, to be levied and collected the same as other general city taxes are collected and to be known as the "Library Fund."

SEC. 2. When the council shall have decided to establish and maintain a public library and reading room, the mayor shall, with the approval of the council, appoint a board of three members to be known as a "Board of Library Trustees," to be chosen from the citizens at large, with reference to their fitness for the office, one of which shall serve for one year, one for two years and one for three years. All vacancies may be filled in like manner as original appointments.

Mayor to appoint library board.

TITLE X.

SECTION 1. There shall be created and constituted a board of public works in and for the said city of Traverse City, composed of the mayor and three members, who shall be resident freeholders of said city. The members first composing such board shall be elected on the city ticket on the first Monday in April in the year nineteen hundred six, and shall hold their offices, one for the term of one year, one for the term of two years and one for the term of three years, and annually thereafter one member of such board shall be elected for the term of three years: Provided, That no two members of said board shall be residents of the same ward. The members of said board shall within ten days from the date of such election, or at such other time as the council shall fix, meet and organize the said board of public works. The city clerk shall be clerk of said board but not entitled to a vote therein. The council shall thereupon and at all times thereafter provide the said board with suitable office room for its meetings and supply record books, stationery and other things necessary for the transaction of the public business in charge of said board, and provide for the payment in like manner as other accounts against the city, of all necessary and lawful expenses incurred by said board.

Board of public works, members of.

When elected, term of office.

Proviso.

Clerk.

Council to provide office, records, etc.

SEC. 3. No member of said board shall be personally interested either directly or indirectly in any contract for any public work in said city, nor in the purchase, sale or disposition of any material to be used or applied in or about any public work or improvement. Any member of said board may be at any time removed by the mayor of said city, for misconduct or for the unlawful or inefficient performance of the duties of his office: Provided, That the charges against said members sought to be removed, and a notice of the place and time of hearing the same, shall be served on him at least ten days previous to the time so assigned and an opportunity given him to make his defense.

Members shall not be interested in public contracts, etc.

Mayor may remove members.

Proviso.

Detailed
accounts to
be kept.

Statement to
council.

SEC. 5. The said board shall classify the various works under its control and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs and superintendence and salaries of employes, and also detailed accounts of all other matters under its charge and control, and upon the first day of April in each year, and oftener if required by the council, submit to it a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board, the character and amount of all contracts made by the board, the moneys earned and paid thereon, and all other information necessary for a full understanding of the business conducted by said board.

TITLE XIII.

Special as-
sessments, by
whom and
how made.

SEC. 3. Special assessments to defray the expense of grading, paving, planking, graveling, curbing and otherwise improving any street or repairing the same, shall be made by the board of special assessors in the manner provided in this act for making special assessments.

TITLE XIV.

Sidewalks,
grade of, etc.,
council to
control.

SECTION 1. The council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have the power to construct and maintain sidewalks in the public streets and alleys, and charge the expense thereof, or such part thereof as the council shall determine by ordinance, upon the lots and premises adjacent to and abutting upon such sidewalk, and may, by ordinance, prescribe the kinds of material of which and the manner in which such sidewalks shall be constructed, and the method or methods of collecting the charges and expense thereof from the owner of such lots and premises, or for levying, assessing and collecting the same against such abutting property.

Owners to
construct,
upon order
of council.

SEC. 2. The owners and occupants of all lots and premises shall, whenever so ordered by the council, construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and keep them in repair at all times, and shall construct and lay the same upon such lines and grades and of such width, material and manner of construction, and within such time as the council shall prescribe.

TITLE XVI.

SEC. 8. Before proceeding to the construction of any district sewer, the board of public works shall cause a diagram and plat of the whole sewer district to be made showing all the streets, public grounds, lands, lots and subdivisions thereof, in the district, and the proposed route and location of the sewer, and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof.

Sewers,
diagram of.

SEC. 9. Special assessments for the construction of sewers shall be made by the board of special assessors in the manner provided in this act for making special assessments.

Special
assessments.

TITLE XVII.

SEC. 5. All moneys raised for any public cemetery, authorized by this act, and all moneys received from the sale of lots therein or otherwise therefrom, shall be paid into the city treasury and constitute a fund to be denominated the "Cemetery Fund." Said fund shall not be devoted or applied to any other purpose except the purposes of such cemetery. The board of public works shall report to the council annually, on the first day of April, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom incurred, and such other matters as the council shall require to be reported.

Cemetery
fund, what to
constitute.

Annual
report.

TITLE XIX.

SEC. 4. Before ordering any public improvement or repairs, any part of the expense of which has to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and the locality to be improved, and deposit the same with the city clerk for public examination, and shall cause notice thereof and of the proposed improvement, or work, and of the district to be assessed, and of the time when the council will meet and consider any objections thereto, to be published once in each week for two successive weeks immediately preceding the time of such meeting, in one or more of the newspapers of said city. Unless a majority of the persons representing a majority of the taxes to be assessed shall petition therefor, no such improvement or work shall be ordered except by concurrence of two-thirds of all the aldermen-elect.

Special as-
sessment for
public im-
provement.

Publication
of notice.

Cost of improvement, etc.

Not to exceed twenty-five per cent.

Assessment, from what funds paid.

Filed with clerk.

Publication of notice.

SEC. 5. The cost and expense of any improvement which may be defrayed by special assessment shall include the cost of the survey, plans, assessments and costs of construction. In no case shall the whole amount levied by special assessment upon any lot or premises for any one improvement, exceed twenty-five per cent of the value of such lot or lands as valued in the last preceding general tax roll. Any cost exceeding that per cent, which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

SEC. 5a. If there shall be included in any special assessment district, lots belonging to the city, school buildings, other public buildings or public grounds not taxable, such part of the expense of such improvement as, in the opinion of the council or board of assessors making the special assessment, would be justly apportionable to such public grounds, buildings and city property, and to any interior squares or places formed by the intersection of streets, were they taxable, shall be paid from the general street fund or from the proper street district fund, or partly from each, as the council shall determine to be just.

SEC. 10. Whenever any special assessment shall be reported by the board of assessors to the council, as in this title directed, the same shall be filed in the office of the city clerk and consecutively numbered. Before adopting such assessment, the council shall cause notice to be published once in each week for two successive weeks at least in some newspapers of the city, appointing a time when the board of assessors will meet to review the assessment. Any person objecting to the assessment may file his objection thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the assessment roll, and to all others interested therein, and may be in the following form:

Notice of Special Assessment.

Form of.

To (insert the names of the persons against whom the assessment appears) all persons interested, (or by designating the locality of the proposed improvement in general terms,) take notice: That the roll of special assessment heretofore made by the board of special assessors for the purpose of defraying that part of the cost which the council decided should be borne by special assessment for the (insert the object of the assessment) is now on file in my office for public inspection. Notice is also hereby given that the council and board of assessors of the city of Traverse City will meet at the council rooms in said city on (insert the date fixed upon)

to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Dated

City Clerk.

SEC. 25. It shall be within the power of the council to direct and empower the mayor and clerk to issue and negotiate for and in behalf of the city not exceeding six per cent annual interest notes, free of taxation, for the aggregate amount of any special assessment tax, the time for the payment of which has been extended beyond the year of the original warrant for their collection; such notes shall be made payable at the office of the city treasurer, and to fall due at such times as the council shall determine such tax can be collected, and the proceeds of such notes shall be deposited with the city treasurer, and by him disbursed on the order of the council, in payment of the cost and expense of the public improvement, on account of which they have been issued, and for no other purpose whatever, and the proceeds of such extended tax, when collected, shall be used for the payment of said notes and for no other purpose.

May issue notes.

Where payable.

TITLE XX.

SEC. 15. The council shall also raise annually an amount equal to not less than eight per cent of the then bonded indebtedness of said city, not including school bonds and water bonds, to provide an interest and sinking fund, to pay the funded debts of the city and the interest thereon: Provided, Whenever the council shall deem it necessary to raise a greater sum in any one year than the amount specified and limited in this title, they may call a meeting of the resident taxpayers of said city, in one or more places to be designated by the council, by giving at least ten days' notice by written or printed handbills to be posted up in six public places in said city, and by publishing said notice in one or more newspapers published in the city, which notice shall state the time and place of said meeting, the amount of money to be raised, and the purpose for which it is to be expended, and when said meeting shall be in pursuance of said notice, it shall be holden from one o'clock p. m. and kept open until seven o'clock p. m. of the same day, and such taxpayers, by ballot, shall determine whether the money shall be raised for the object specified in said notice: Provided, That such tax voted at any such meeting shall not in any one year exceed one per cent upon the assessed value of the real and personal property taxable within the city, unless otherwise provided in this act; and at all such meetings the council shall appoint a board of inspectors from their own number to consist of not less than two members, who shall open, conduct, close and determine the result in the same manner that

Sinking fund, how raised.

Proviso.

Proviso.

Further
proviso.

elections for city officers are conducted under or by virtue of this act: Provided further, That the assessed valuation of real and personal property as referred to in this act for the purpose of raising a percentum of tax thereon, it shall be construed to mean the assessed value as equalized.

TITLE XXXIII.

Property, how
purchased,
etc.

Clerk to keep
record.

Report annu-
ally to council.

Misdemeanor,
what deemed.

SEC. 14. No property, supplies or other articles of whatever name or nature shall be purchased for or in behalf of the city, unless ordered by vote of the council or with written consent of the mayor or city clerk. The city clerk shall keep a record of all property purchased for the city, and shall charge the same to the officer or department for whom the same was purchased and receiving the same, and shall report annually to the council on the first day of April a detailed list or statement of all such property or supplies purchased and to whom delivered. It shall also be the duty of each and every officer and employee of the city to make a report annually in writing, on the first day of April of all the property and effects in his hands or under his control belonging to the city, which several reports shall be referred to a committee of the council for examination. Any officer or employee of the city who shall fail or neglect to make the report provided in this section shall be guilty of a misdemeanor, and may be prosecuted, tried and convicted therefor, according to law.

This act is ordered to take immediate effect.

Approved June 13, 1905.

[No. 632.]

AN ACT to detach certain territory from township number twelve north, of range three west, being the township of Pine River in the county of Gratiot, and attach the same to the city of St. Louis, in said county.

The People of the State of Michigan enact:

Territory
attached.

SECTION 1. The territory known and described as that part of the north half of the northeast quarter of section twenty-four, in township number twelve north, of range three west, being the township of Pine River in said county of Gratiot, lying west of a line running north and south, on the east line of Corinth street, in the city of St. Louis, said county, shall be and is hereby detached from said township

of Pine River, and attached to and made a part of the city of St. Louis in said county, and of the first ward thereof.

This act is ordered to take immediate effect.

Approved June 13, 1905.

[No. 633.]

AN ACT authorizing the board of supervisors of the county of Midland to appropriate money towards building a bridge across the Tittabawassee river, in the township of Ingersoll in said county, and also appropriating money to aid the rebuilding of a bridge across Pine river, in the township of Homer in said county.

The People of the State of Michigan enact:

SECTION 1. The board of supervisors of the county of Midland shall have the power, on or before April one, nineteen hundred six, by a majority vote of all the members of said board, to appropriate any sum not exceeding two thousand dollars, from the contingent fund of said county, for the purpose of aiding in the erection of a bridge across the Tittabawassee river, in the township of Ingersoll in said county, at the site of the Baillie bridge, and also to appropriate the sum of one thousand dollars from the contingent fund of said county to aid the township of Homer, in said county, in rebuilding the Lamont bridge across Pine river in said township.

This act is ordered to take immediate effect.

Approved June 13, 1905.

[No. 634.]

AN ACT to provide for the payment of bounties for the killing of rapacious hawks in St. Joseph county, Michigan.

The People of the State of Michigan enact:

SECTION 1. Every person being an inhabitant of St. Joseph county, who shall kill a hawk or hawks in any organized township, village or city in this county, shall be entitled to receive a bounty of twenty-five cents for each hawk thus killed, to be allowed and paid in the manner hereinafter provided.

Clerk to decide
upon appli-
cation.

To issue
certificate.

Treasurer to
pay warrant.

Misdemeanor,
what deemed.

Penalty for.

SEC. 2. Every person applying for such bounty shall take such hawk or hawks to the clerk of the township, village or city within which such rapacious hawk or hawks shall have been killed, who shall thereupon decide upon such application, and if satisfied with the correctness of such claim, shall issue a certificate stating the amount of bounty to which such applicant is entitled and deliver the same to said applicant, and shall destroy such rapacious hawk or hawks.

SEC. 3. Such certificate may be presented by the claimant or his agent to the county clerk of St. Joseph county, who shall thereupon draw a warrant for the amount on the treasurer of St. Joseph county, and the treasurer shall, upon presentation of said warrant, pay the same from the general or contingent fund of said county.

SEC. 4. Any person who collects or attempts to collect any bounty under the provisions of this act, on any bird other than a rapacious hawk or hawks, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one dollar nor more than ten dollars, or by imprisonment in the county jail not more than ten days, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved June 13, 1905.

[No. 635.]

AN ACT to legalize certain bonds issued by the city of St. Clair in the county of St. Clair, State of Michigan, numbered from one to ten, consecutively, denominated "Waterworks Extension Bonds," and bearing date May nineteen, nineteen hundred five.

The People of the State of Michigan enact:

Bond issue
legalized.

SECTION 1. Certain bonds issued by the city of St. Clair, county of St. Clair and State of Michigan, numbered from one to ten consecutively, denominated "Waterworks Extension Bonds" and bearing date May nineteen, nineteen hundred five, each bond being for the sum of one thousand dollars and issued for the purpose of raising money with which to install a larger boiler and pumps in the waterworks of the city of St. Clair, which bonds were authorized by a vote of the electors of said city at a regular election held therein on the third day of April, nineteen hundred five, are hereby made and declared legal and valid.

This act is ordered to take immediate effect.

Approved June 13, 1905.

[No. 636.]

AN ACT to amend sections two and four of an act, entitled "An act to provide for the collection of State and county taxes in the city of Detroit, repealing acts number two hundred forty-one of the session laws of eighteen hundred sixty-three and number eighty-eight of the session laws of eighteen hundred sixty-five amendatory thereto," approved May twenty-two, eighteen hundred seventy-nine, and to repeal all acts and parts of acts inconsistent herewith.

The People of the State of Michigan enact:

SECTION 1. Sections two and four of an act, entitled "An act to provide for the collection of State and county taxes in the city of Detroit, repealing acts number two hundred forty-one of the session laws of eighteen hundred sixty-three and number eighty-eight of the session laws of eighteen hundred sixty-five, amendatory thereto," are amended to read as follows: Sections amended.

SEC. 2. The county treasurer, upon the receipt of said rolls, is required to cause a notice to be published in two daily papers published in said city for three weeks, stating that said rolls and warrant have been made and deposited in his office by the assessor, where they will remain until and including the thirty-first day of December thereafter. From and including the first day of December until and including the said thirty-first day of December, said taxes may be paid to the county treasurer without being subject to payment of any percentage for collection, and such treasurer will grant his receipt for every tax so paid, and mark the same as paid on the roll. Treasurer to publish notice.
Taxes, time of payment.

SEC. 4. The county treasurer shall retain the original tax rolls in his office as prepared by the city assessor, and shall prepare a duplicate abstract of taxes unpaid for the use of the collectors appointed by said treasurer, to be used by them in making collections, and to which abstracts shall be annexed certified copies of the original warrants. The said treasurer shall add four per cent to all taxes collected by him or his collectors between the thirty-first day of December and the first day of March following in each year, and shall collect on all taxes returned as delinquent interest computed thereon, from the said first day of March next after the same were assessed, at the rate of one per cent per month or fraction thereof. The said treasurer shall be responsible for the acts of his collectors. Abstract of unpaid taxes, for collectors.
Percentage for collection, when added.

SEC. 2. All acts and parts of acts, contravening any of the provisions of this act, are hereby repealed. Acts repealed.

Approved June 13, 1905.

[No. 637.]

AN ACT to provide for the payment of salaries to the sheriff, clerk, treasurer, register of deeds and deputies of said offices of Calhoun county, Michigan, and provide for the collection of all fees and payment of the same to the county treasurer.

The People of the State of Michigan enact:

Officers,
salaries of.

Fixed by
supervisors.

Fees collected,
paid to
treasurer.

Proviso.

Further
proviso.

SECTION 1. The board of supervisors of Calhoun county, Michigan, is hereby empowered to pay the sheriff, county clerk, county treasurer, register of deeds and such deputies as the board of supervisors allow, out of the county treasury, such annual salaries as the board of supervisors may determine. Such salaries shall be fixed and determined by said board at the first meeting of the board in the year in which the election of said officers is to take place; and such compensation shall be in full for all services for which the county may be liable and in lieu of all fees which are fixed by law; and which salary shall neither be increased nor diminished during the term for which said officers shall be elected.

SEC. 2. The sheriff and deputies who receive a salary, shall collect and make itemized statement of all fees required by law for the service of any process other than that of the county which shall be paid to the county treasurer, the last day of each month, taking duplicate receipts therefor. The county treasurer, county clerk, and register of deeds shall collect all fees required by law and make out an itemized statement of the same and pay them to the county treasurer the last day of each month, taking duplicate receipts therefor: Provided, That after this bill shall have become operative before any suit at law or in chancery shall be commenced in said court, there shall be paid to the clerk of said court, by the party commencing such suit, the sum of three dollars, and before any final judgment or decree shall be entered in any such suit, there shall be paid to the clerk of said court, by the prevailing party, the sum of three dollars. And if a jury shall be demanded by either party to any such suit, such party shall, at the time of making such demand, pay to said clerk the sum of three dollars: Provided further, That in case both parties shall demand a jury, the clerk shall receive such sum from the party first making the demand therefor, and from him only. All moneys so received shall be paid by said clerk to the county treasurer as provided in section three of this act. The sums paid as aforesaid shall be held to be in full of all clerk entry and jury fees in any such suit from the commencement thereof to and including the issuing and return of execution or other final process. The sum or sums so paid shall be taxed as costs of suit in favor of the party paying the same if he be the prevailing party, in addition to any other costs to which he may be entitled by law.

SEC. 3. The salaries aforesaid shall be paid monthly by the county treasurer, upon a warrant issued by the county clerk, but not until the itemized statement of all fees collected and paid over to the county treasurer, as aforesaid, has been sworn to and filed with the county treasurer and a duplicate of the receipt therefor filed with the county clerk.

Salaries paid
monthly.

Sworn
statement.

SEC. 4. All moneys received by the county treasurer by virtue of this act, shall be credited to the general fund of the county.

General fund
credited.

SEC. 5. The board of supervisors is hereby empowered to pay the sheriff or his deputies, who receive a salary by virtue of this act, upon a sworn itemized statement of said expenses, any money actually expended by them in pursuance of their official duties; also, not to exceed fifteen cents per meal for meals actually eaten by the prisoners while in custody of said sheriff and such payment shall be in full for all services rendered said prisoners: Provided, That the board of supervisors is to provide for all printing, stationery, postage, purchasing of books, records and other papers necessary for the public service.

Expenses of
sheriff, etc.

Proviso.

SEC. 6. If any of the aforesaid officers or their deputies shall fail to comply with the provisions of this act, they shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment at the discretion of the court.

Misdemeanor,
what deemed.

Penalty for.

Approved June 13, 1905.

[No. 638.]

AN ACT in relation to the pollution of the waters of Pine river in the counties of Midland and Gratiot, and Cass river in the county of Tuscola.

The People of the State of Michigan enact:

SECTION 1. It shall be unlawful for any person, firm or corporation, except municipal corporations, or any agent or employe of such firm or corporation to pollute the waters of Pine river in the counties of Midland and Gratiot, and Cass river in the county of Tuscola by depositing or attempting to deposit therein any beet pulp or other waste matter of any kind or character, liable to decomposition.

Unlawful to
pollute.

SEC. 2. Any person, firm or corporation or any agent or employe of such firm or corporation, found guilty of a violation of this act shall be punished by a fine of not less than

Penalty for
violation.

one hundred fifty dollars, or more than three hundred dollars, or by imprisonment in the county jail for not less than three months nor more than six months, or by both such fine and imprisonment in the discretion of the court.

Approved June 13, 1905.

[No. 639.]

AN ACT to amend section two of chapter six, and to add to said chapter six three sections to be known as sections three, four and five; to amend section nine of chapter ten, and to add to said chapter ten, one section to be known as section eleven; to amend sections four and seventeen of chapter thirteen; to amend section three of chapter twenty-two; to amend section eleven of chapter twenty-eight; to amend section one of chapter thirty; to add one section to chapter thirty-six to be known as section three of act number four hundred thirty of the local acts of eighteen hundred ninety-nine, entitled "An act to amend and revise the charter of the city of Battle Creek," approved June one, eighteen hundred ninety-nine, as amended by act number four hundred fifty-two of the local acts of nineteen hundred one, approved May twenty-eight, nineteen hundred one, as amended by act four hundred seventy-eight of local acts of nineteen hundred three, approved May twenty, nineteen hundred three, as amended by House enrolled act number seventy, of the acts of the legislature of nineteen hundred five, approved March sixteen, nineteen hundred five.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Act number four hundred thirty of local acts of eighteen hundred ninety-nine, entitled "An act to amend and revise the charter of the city of Battle Creek," approved June one, eighteen hundred ninety-nine, as amended by act number four hundred fifty-two of the local acts of nineteen hundred one, approved May twenty-eight, nineteen hundred one, as amended by act four hundred seventy-eight of local acts of nineteen hundred three, approved May twenty, nineteen hundred three, as amended by House enrolled act number seventy, of the acts of the legislature of nineteen hundred five, approved March sixteen, nineteen hundred five, is hereby amended by amending section two of chapter six, and by adding to said chapter six three sections to be known as sections three, four and five; by amending section nine of chapter ten, and by adding to said chapter ten, one section to be known as section eleven; by amending sections four

and seventeen of chapter thirteen; by amending section three of chapter twenty-two; by amending section eleven of chapter twenty-eight; by amending section one of chapter thirty; by adding one section to chapter thirty-six to be known as section three; so that said amended sections and said added sections of said chapters and said added chapter shall read as follows:

CHAPTER VI.

SEC. 2. The common council shall also have power to suspend or remove the recorder, treasurer, or any constable, assessor or alderman, or remove from office any person elected to any of said offices by a concurring vote of two-thirds of all the aldermen-elect. Provision shall be made by ordinance for preferring charges and trying the same; and no removal of such officer shall be made unless charges in writing be preferred and an opportunity given him to make a defense.

Council may
remove officers,
etc.

SEC. 3. To enable the common council to investigate charges against any city officer, or such other matters as it may deem proper to investigate, the mayor, the judge or associate judge of the municipal court is empowered at the request of the common council to issue subpoenas or process by warrant, to compel the attendance of witnesses and the production of books, papers and other evidence before the common council or any committee thereof.

Court to issue
subpoenas.

SEC. 4. Whenever the common council or any committee thereof, is authorized to compel the attendance of witnesses for the investigation of matters which may come before it, the presiding officer of the council, or the chairman of such committee, shall have the power to administer the necessary oaths; and the council or committee shall have the same power to compel the witnesses to testify as is conferred on courts or justices of the peace.

Oaths, by
whom administered.

SEC. 5. In case of any such suspension or removal, or in case of the death, resignation or neglect to qualify, or removal from the city, or from the ward in and for which he was elected, of any officer of the corporation or ward, except judge and associate judge of the municipal court, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired term of such office: Provided, Such appointment shall not extend beyond the next annual election in said city, and until his successor is or shall be duly elected or appointed and qualified. All officers so appointed shall be notified and shall qualify as is herein provided: Provided further, That the common council may at any time order a special election to fill vacancies in any office which is elective under this act, and it shall designate the time and place of holding the same, and the same notice shall be given as for annual or charter elections, stating the

Vacancy,
how filled.

Proviso.

Appointees
to qualify.

Proviso as to
election to fill
vacancies.

Further
proviso.

office or offices to be filled; and any person so elected at such special election shall hold and serve for the remainder of the term of said office: Provided further, That in case of the absence of any alderman from the meeting of the common council for six weeks in succession without excuse by the common council, such absence shall be considered as his resignation which may be accepted and the council shall proceed to elect his successor.

CHAPTER X.

Weights and
measures, pro-
vision for in-
spection of.

SEC. 9. The common council may also provide by ordinance for the inspection, testing and sealing of all weights, meters and measures used in said city, by the official sealer of weights, meters and measures, appointed by them, and prescribe the fee for such inspection, testing and sealing, and penalties for using, without such testing and sealing, any scales, weights or measures, or neglecting or refusing to have the same tested and sealed as provided by such ordinance. Said sealer of weights, meters and measures shall also have authority to test the quality of the gas, and power of electric lights, consumed and used by said city or the citizens, and for that purpose shall be authorized to employ an expert as may be provided by ordinance. The common council is also authorized to enact an ordinance to punish any person using any false weight or measure, or selling any commodity of less weight or measure than that ordered.

Sealer,
authority of.

Ordinance
to punish.

Use of streets,
etc.

SEC. 11. The common council is also authorized to permit the use and occupation of the streets, alleys, lanes and parks of said city, by persons or corporations, for the purpose of furnishing to the inhabitants of the city, electricity, gas, water, light, heat, power and other utilities, under such reasonable restrictions, rules, and regulations, by ordinance or otherwise, as the common council may prescribe.

CHAPTER XIII. .

Borrow
money.

SEC. 4. To meet the expenses and costs of the construction of sewers in said city, in anticipation of collections of assessments and taxes to defray the expense and cost thereof, the common council may, by ordinance, authorize and direct the mayor and recorder of said city to borrow a sum not exceeding fifteen thousand dollars, in any one calendar year, for such purpose and to issue the bonds or other obligations of said city therefor, bearing interest at a rate not exceeding five per cent per annum, payable semi-annually: Provided, That the total amount of said sewer bonds or other obligations for sewers, which the common council is

Issue bonds.

Proviso.

hereby authorized to issue, shall not exceed the sum of two hundred thousand dollars outstanding at any one time.

SEC. 17. The owners or occupants of lots or premises on streets having sewers so constructed therein shall have the right to connect private drains or sewers therewith at their own expense, under such rules as the board of public works may prescribe. In no case shall the owner, occupant or other person, connect with any public sewer in the streets of the city, or on private property or elsewhere, who has failed to pay his full share of the usual cost of a public sewer, and the board of public works may cause said connection to be summarily removed if so made; and the said owner, or occupant, and also the party doing the work, shall be fined a sum not exceeding one hundred dollars. The provisions of this section shall apply to all buildings fronting on or adjoining streets in which no public sewer shall have been constructed. The owner or occupant of such buildings shall not connect directly or indirectly with any public sewer until the usual cost for a lateral sewer in front of such premises shall be paid; said cost to be estimated by the board of public works.

Private drains.

Connection with sewer.

Estimate of cost.

CHAPTER XXII.

SEC. 3. The said three assessors shall also represent said city of Battle Creek in the board of supervisors of said county of Calhoun, and shall be entitled to all the rights, privileges and powers of the other members of said board, and shall discharge the same duties as members of said board. The mayor and city attorney of said city and the aldermen of each ward thereof, having the shortest time to serve, shall also be ex officio members of the board of supervisors of said county of Calhoun, and shall with the said assessors elected in and for said city, represent said city in the board of supervisors of said county, and shall possess the like powers and be chargeable with the like duties as any of the other members of the said board of supervisors, and shall be entitled to the same pay and be paid in the same manner as the other members of said board: Provided, That said mayor, city attorney and aldermen shall exercise no authority as supervisors except as members of said board.

Assessors to be members board of supervisors.

Ex-officio members.

Proviso.

CHAPTER XXVIII.

SEC. 11. Whenever the treasurer shall not be able to collect any city tax on personal property on account of the absence of the person so taxed, or for any other cause, the recorder may, if directed by the common council, issue a new warrant to the treasurer for the collection of such tax;

Collection of taxes, powers of treasurer.

Proviso.

Executions,
how levied.

and thereupon said warrant shall be and remain in full force for the purposes of such collection as long as shall be directed by the common council and the treasurer shall charge and collect interest on all such taxes at eight per cent per annum from the time of returning the tax roll until the day of collection; the common council may, at any time after a tax roll shall have been placed in the hands of the treasurer for collection, extend the time for the collection thereof in their discretion, not later than the first Monday of the following March: Provided, That the time for the collection of State, county and school taxes shall not be extended for a greater length of time than is or may be provided by law for the extension of the time for the collection of taxes by township treasurers; and it shall also be lawful for the treasurer, in the name of the city, to sue the person or persons against whom any such personal property tax was assessed, after the return of the assessment roll, before any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law, including proceedings by garnishment for the collection of debts, to enforce the payment of any such tax. Executions issued upon judgments rendered for every such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of any city taxes; and the proceedings of any officer with such execution shall be the same in all respects as is now or shall be hereafter directed by law.

CHAPTER XXX.

May issue
bonds.

Purpose of.

Proviso.

SECTION 1. The common council shall have and are hereby vested with full, ample and complete authority whenever they shall deem it necessary and for the best interests of the city, to issue the bonds of said city, in such form, payable at such time or times, and at such rate of interest not exceeding five per cent per annum as they shall determine, for the purpose of funding or paying any indebtedness of said city or to provide for the construction of water-works, or sewers, or the introduction of water in said city, or for the extension of water-works or sewers, for the construction or purchase of an electric light plant or works, or a gas plant or works, for lighting the streets, public buildings or grounds, or for commercial purposes, or for conduits, or for public buildings or parks, or for bridges, or for paving or repaving the streets of said city, but for no other purpose whatever: Provided, No bonds shall be issued to provide for the construction of water-works or introduction of water in said city or for the extension of water-works or to provide for an electric light plant or works or for a gas plant or works, or for conduits, or for public buildings or parks, or for bridges, or for paving or repaving streets until a ma-

jority of all the electors voting upon said question shall have voted in favor of making such improvements, either at any charter election, or at a special election called for that purpose, at such a time and in such a manner as the common council shall specify. The issuing of bonds, authorized under chapter thirteen of this act, need not be submitted to the electors of said city: And provided further, That no more than one hundred twenty-five thousand dollars of such paying bonds shall be outstanding at any one time: And provided further, That no more than seventy-five thousand dollars of such bridge bonds shall be outstanding at any one time: And provided further, That the entire indebtedness of the city of all kinds, shall at no time be permitted to exceed the amount of five per cent of the assessed valuation of said city, as the same shall then stand equalized by the board of supervisors of Calhoun county; and neither the electors nor the common council of said city shall have any authority to in any manner, either by bonds or otherwise, increase the amount of indebtedness of said city above that amount.

Further
proviso.

CHAPTER XXXVI.

SEC. 3. No title shall be acquired nor gained as against the said city of Battle Creek to any street, lane, alley, park, common, public square, or other public property in said city, or any part thereof, by reason of lapse of time, encroachment, enclosure, or adverse user or possession of the same.

No title
against city.

This act is ordered to take immediate effect.

Approved June 13, 1905.

[No. 640.]

AN ACT to provide for the payment by the school districts in the county of Bay of tuition in, and transportation to another district of said county, of children who have concluded the eighth grade of any such school district.

The People of the State of Michigan enact:

SECTION 1. Whenever any school district in the county of Bay, which maintains school and has children resident therein, and which has a surplus fund at the end of the school year of five hundred dollars or more, not including primary school fund, the board of education or school board of such district, shall, upon application of the parents or guardians of the child or children above described, made to

Board of edu-
cation to fur-
nish tuition
and transpor-
tation, etc.

said board not less than thirty days preceding the annual meeting of such school district, pay from such surplus district fund the tuition and transportation of such child or children to any high school of said county which the said board may select and designate.

This act is ordered to take immediate effect.

Approved June 13, 1905.

[No. 641.]

AN ACT to prohibit horse races, base-ball games, and all games and sports upon the thirtieth day of May, commonly called "Memorial Day," in the counties of Isabella, Lapeer and Cass.

The People of the State of Michigan enact:

Act
prohibiting.

SECTION 1. That no person shall conduct, or engage in any horse race, base-ball game, or any game or sport, upon the thirtieth day of May, commonly called "Memorial Day," in the counties of Isabella, Lapeer and Cass.

Misdemeanor.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof by any court of competent jurisdiction, be punished by a fine of not more than one hundred dollars, or imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Penalty.

Approved June 16, 1905.

[No. 642.]

AN ACT to amend section one of act number three hundred ninety-seven of the local acts of nineteen hundred one, entitled "An act to provide for the retirement of aged and disabled policemen employed by the city of Saginaw, and for the payment of pensions to the wives and children and widowed mothers of policemen killed in the service of the city of Saginaw," as amended by section one of act number five hundred thirty-six of the local acts of nineteen hundred three.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section one of act number three hundred ninety-seven of the local acts of nineteen hundred one, en-

titled "An act to provide for the retirement of aged and disabled policemen employed by the city of Saginaw, and for the payment of pensions to the wives and children and widowed mothers of policemen killed in the service of the city of Saginaw," as amended by section one of act number five hundred thirty-six of the local acts of nineteen hundred three, is hereby amended to read as follows:

SECTION 1. Whenever a member of the police force of the city of Saginaw shall have been disabled or incapacitated while in the actual performance of his official duty, and whenever any member of said police force or other person in the employ of the police board of said city of Saginaw, who has performed faithful service as such member or employe for a period of not less than twenty-five years, shall have become permanently incapacitated from performing regular active duty, he shall be retired by the board of police commissioners from the regular active service and placed on the retired list. Such member when so retired shall be paid annually, in equal monthly payments, a sum not exceeding six hundred dollars, or a sum equal to one-half the annual pay received by him at the time of his retirement, if the city physician or some other competent physician authorized by the police board to act in the premises, shall certify to the police board in writing, that he is permanently physically or mentally incapacitated from regular active duty, which finding shall be approved by said board of police commissioners by resolution made of record by said board: Retired members of police force.

Provided, That no member of said force shall be so retired until he has been duly notified by said board of its intention to so retire him, and he has been heard in opposition thereto: Annual compensation.

Provided further, That said board of police commissioners shall place on the retired list any person who became totally disabled while in the employment of said commissioners prior to the passage of this act: Certificate of physician.

Provided further, That the provisions of this act shall apply to any member of the police force of the cities of East Saginaw and Saginaw City as formerly existing before the consolidation of the same as the city of Saginaw; and in computing the period of service in such case, the length of time served by any member of the police force or other person on the police force of said cities of East Saginaw and Saginaw, shall be allowed and added to the time said member has served in the police department of the consolidated city of Saginaw: Proviso.

And provided further, That any member of said force deeming himself entitled to the benefits of this act, shall make a written application to said board of police commissioners for such benefits, and it shall be the duty of said board to hear and determine such application. Further proviso.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 643.]

AN ACT to authorize and empower the board of county road commissioners of Bay county to pay a portion of the cost of improving Woodside avenue and Belinda street in the city of Bay City, without declaring the same a county road.

The People of the State of Michigan enact:

Commission-
ers, power to
defray part
expense, etc.

SECTION 1. Whereas, the board of county road commissioners of Bay county are desirous of having placed in a better condition for public travel, and without declaring the same a county road, that portion of Prairie road included within the corporate limits of Bay City, from the eastern limits of said city to a street commonly known as Belinda street, which said portion of Prairie road is commonly known as Woodside avenue. And for the purpose hereinbefore set forth and for defraying a portion of the cost of improvement, grading and paving said portion of said Prairie road from the eastern limits of said Bay City to the east line of said Belinda street in said city, said board of county road commissioners are hereby authorized and empowered to pay into the city treasury of Bay City the sum of five thousand dollars to be credited by the city treasurer to the local improvement fund of said city for the use and benefit of said fund in defraying the cost and expense of the construction of a vitrified brick pavement upon a concrete foundation twelve feet wide on each side of the Bay City Traction & Electric Company's street railway right-of-way, on said portion of said street or highway; twenty-five hundred dollars of said account to be paid as aforesaid, on or before the first day of January nineteen hundred six and the remaining twenty-five hundred dollars on or before the first day of January nineteen hundred seven: Provided, That in consideration of the city of Bay City improving and paving or causing to be improved and paved said portion of said highway as hereinbefore indicated, during the year of nineteen hundred five, said board of county road commissioners shall and will pay the aforesaid sum of five thousand dollars as hereinbefore set forth: Provided, That in the event of the failure and neglect of said city to pave said portion of said highway, said board of county road commissioners shall be under no obligation to pay any of the sums hereinbefore set forth.

Commission-
ers may bear
part expense
of pavement,
etc.

SEC. 2. Said board of county road commissioners are hereby authorized and empowered to pay into the city treasury, to be credited to the local improvement fund, the sum of not more than twenty-five hundred dollars, to be used and applied to the cost of the construction of a vitrified brick pavement on concrete foundation, to be constructed on Belinda street in said Bay City from the north side line of Woodside avenue to the Saginaw river, the aforesaid sum to

be paid to the city treasurer as aforesaid, when said street is constructed.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 644.]

AN ACT to authorize the village of River Rouge in the county of Wayne and State of Michigan, to establish, construct and maintain a system of public sewers in said village and to issue bonds for the payment thereof.

The People of the State of Michigan enact:

SECTION 1. The village of River Rouge in the county of Wayne and State of Michigan is hereby authorized and empowered to establish, construct and maintain a system of public sewers in said village at a cost not exceeding one hundred fifty thousand dollars, and the said village is further authorized and empowered to issue bonds to pay for said work. Said bonds shall be due and payable in thirty years from date of issuance and shall bear interest at the rate to be fixed by the village council, not to exceed five per cent per annum payable semi-annually: Provided, That said bonds shall not be sold for less than par value.

Authority to
construct, etc.

Issue bonds.

Proviso.

SEC. 2. Before any sewer shall be constructed or bonds issued as herein provided, the village council shall, in each year, determine by resolution the amount proposed to be expended in the construction of public sewers, and thereupon the question shall be submitted to a vote of the electors of said village at any special or general election called for the purpose of determining the question. "Shall the village issue the sum of dollars in bonds for the purpose of establishing, constructing and maintaining a system of public sewers (Yes)." "Shall the village issue the sum of dollars in bonds for the purpose of establishing, constructing and maintaining a system of public sewers (No)." If on such vote on the question, a majority of the voters vote "Yes," the work may be done and the bonds issued.

Election,
when held.

SEC. 3. The construction of such sewers, and the issuance of such bonds, shall be governed in all respects as provided in act number three of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," and acts amendatory thereof, except as herein otherwise provided.

Act
governing.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 645.]

AN ACT to amend act number three hundred eighty-seven of the local acts of nineteen hundred one, entitled "An act to confirm the organization of school district number seven, fractional, of Lansing and Meridian townships in the county of Ingham."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section one of act number three hundred eighty-seven of the local acts of nineteen hundred one, entitled "An act to confirm the organization of school district number seven, fractional, of Lansing and Meridian townships, in the county of Ingham," is hereby amended to read as follows:

Organization,
intention of.

SECTION 1. That the organization of school district number seven, fractional, of Lansing and Meridian townships, in the county of Ingham, as is shown by the records of the township boards and boards of school inspectors of said townships, was intended to be done, is hereby confirmed and the omission on the records of the proof of the posting of the notices as required by law shall not operate to defeat the action which is shown by the records to have been in good faith and intent by the several boards whose action was necessary in the premises; and said school district number seven, fractional, of Lansing and Meridian shall be and remain a legally organized school district until otherwise ordered by legislative enactment: Provided, That the boundaries of said district may be altered from time to time in the usual way provided by law.

Proviso.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 646.]

AN ACT to limit the number of circuit court commissioners in the county of Menominee, to provide a salary, and for the disposition of all fees payable to said officer and to regulate the conduct of said office.

The People of the State of Michigan enact:

Circuit court
commissioner,
when elected,
term, etc.

SECTION 1. There shall be elected at the next general election to be held in the county of Menominee, in November, nineteen hundred six, and every two years thereafter, one circuit court commissioner, who shall enter upon the dis-

charge of his official duties on the first day of January succeeding his election, and shall hold office two years and be vested with judicial powers not exceeding those of a judge of the circuit court at chambers.

SEC. 2. Said circuit court commissioner shall receive Salary, etc. from the treasurer of the county of Menominee an annual salary of three hundred dollars, payable monthly, on the order of the county clerk of said county, which salary shall be in lieu of all fees, commissions and perquisites payable to him under the laws of this State for the performance and discharge of any duties required of him by virtue of his office, and that the said commissioner shall receive no other nor further compensation for the duties imposed upon him, except as hereinafter provided for the taking of testimony, but all fees or commissions payable to, or that may be charged by him by virtue of his said office shall be received by and on account of said county.

SEC. 3. It shall be the duty of said commissioner to keep To keep docket, etc. a true record of all business done by him, and to enter all judgments and orders made by him in a docket to be provided by the board of supervisors of the said county, which docket and all other books and files are hereby declared to be public property and to be open for inspection during Subject to inspection. office hours by any person, but no person shall be permitted to remove any of said records from the office of said commissioner: Provido as to testimony. Provided, That for the taking of testimony in all cases referred to such commissioner or by law required to be taken by him, no fees shall be charged except the actual cost of stenographic work and transcribing, not to exceed ten cents for originals per folio and three cents for each copy per folio, which amounts shall be paid to the commissioner for the testimony so taken.

SEC. 4. Before any action or proceeding for the recovery Fees payable before any action shall begin. of lands or buildings shall be commenced before said commissioner, there shall be paid to him by the party bringing the same the sum of one dollar fifty cents, and before the hearing of any such action or proceeding shall be commenced the further sum of two dollars fifty cents, and either party demanding a jury shall advance the fee therefor and the same shall be disposed of as is now provided by law in justice's courts; and before any affidavit for appeal or writ Fees for appeal or writ of certiorari. of certiorari shall be served on said commissioner, in addition to the costs now provided by law for making return to appeals or certiorari, the further sum of five dollars shall be paid to the said commissioner by the appellant or plaintiff in error, and said commissioner shall pay the entry fee in the circuit court and at the same time shall file therein a return to the appeal or certiorari as the case may be.

SEC. 5. The moneys so paid shall be for the use of said Moneys, how held. county, and shall be held in full of all fees now allowed by law to said commissioner from the commencement of said

Fees taxed
as costs.

proceeding to and including the issuance of such final process as may be necessary to give effect to an order or judgment of said commissioner. The sum or sums so paid, and jury fees, shall be taxed as costs of suit in favor of the party paying same, if he be the prevailing party in action, in addition to any other taxable costs to which he may be entitled by law. Any cause or proceeding pending before or referred to said commissioner at the time this act goes into effect and operation shall be heard and disposed of according to the law and practice heretofore in force.

Repealing
clause.

SEC. 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 647.]

AN ACT to amend section three of title one and section fourteen of title twenty of an act, entitled "An act to revise and amend the charter of the city of Saginaw," being House enrolled act number two hundred seventy-six passed by the legislature of the State of Michigan for the year nineteen hundred five.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section three of title one and section fourteen of title twenty of an act, entitled "An act to revise and amend the charter of the city of Saginaw," being House enrolled act number two hundred seventy-six passed by the legislature of the State of Michigan for the year nineteen hundred five are hereby amended to read as follows:

TITLE I.

Ward
boundaries.

SEC. 3. The territory comprising said city shall be divided into twenty wards. Wards first to twelfth inclusive shall be located upon the east, and wards thirteenth to twentieth inclusive shall be located upon the west side of the center line of Saginaw river. The particular boundaries of said wards upon the east side of the center line of Saginaw river shall be as follows after January one, nineteen hundred six, viz.:

First ward.

Subdivision 1. All that part of said city east of the center line of Saginaw river, lying north of a line commencing at a point at the center of said river where crossed by the

Pere Marquette railroad bridge; thence following the center of the main railroad track upon said bridge easterly to the center of Washington avenue; thence south on Washington avenue to the center of Potter street; thence easterly along the center line of Potter street to the center line of Third street; thence south on the center line of Third street to the center line of Carroll street; thence east on Carroll street to the center line of Eighth street; thence north on Eighth street to the south line of the right of way and property of the Pere Marquette Railroad Company; thence easterly on the south line of said right of way and property of said Pere Marquette Railroad Company to the east city line, shall constitute the first ward.

Subdivision 2. All that part of the city lying east of the center line of Saginaw river south of the first ward, west of the center line of Third street and north of the center line of Johnson street extended to the middle of Saginaw river, shall constitute the second ward. Second.

Subdivision 3. All that portion of the city east of the center line of Saginaw river, and lying between the center lines of Johnson street, Third street and Janes avenue extended to the center of Saginaw river, shall constitute the third ward. Third.

Subdivision 4. All that portion of the city south of the first ward lying between the center lines of Third street, Ninth and Eighth streets, and Janes avenue, shall constitute the fourth ward. Fourth.

Subdivision 5. All that part of the city south of the first ward, lying between the center lines of Ninth and Eighth streets and Janes avenue, and the east city line, shall constitute the fifth ward. Fifth.

Subdivision 6. All that portion of the city east of Genesee avenue, lying between the center lines of Janes avenue and Walnut street, shall constitute the sixth ward. Sixth.

Subdivision 7. All that portion of the city lying west of the center line of Genesee avenue, east of the center line of Saginaw river, and between the center lines of Janes avenue and Hoyt avenue extended to the center line of Saginaw river, shall constitute the seventh ward. Seventh.

Subdivision 8. All that part of the city east of the center line of Saginaw river, south of the center line of Hoyt avenue, west of the center line of Sheridan avenue and north of a line drawn by commencing at the center of the Flint and Pere Marquette belt line track, where the same crosses Sheridan avenue, and running thence west and south-westerly along the center of said belt line track to the intersection of the line with the center line of Washington avenue; thence northerly on Washington avenue to the center line of Court street; thence westerly on Court street to the center line of Saginaw river, shall constitute the eighth ward. Eighth.

- Ninth. Subdivision 9. All that part of the city lying east of the center line of Sheridan avenue, south of the center line of Hoyt avenue, and west of a line commencing at the center of Hoyt avenue at the intersection of Emily street; thence following the center line of said Emily street southerly to the center of the main track of the Michigan Central Railroad; thence west on said railroad line to the intersection of the center line of Bagley street extended; thence south on the center line of Bagley street to the center line of Holland avenue; thence east on the center line of Holland avenue to the intersection of the quarter line of section thirty; thence south on said quarter line to the city line, shall constitute the ninth ward.
- Tenth. Subdivision 10. All that part of the city lying east of the seventh ward and ninth ward, and south of the sixth ward shall constitute the tenth ward.
- Eleventh. Subdivision 11. All that part of the city lying east of the center line of Saginaw river, south of the eighth ward, west of the center line of Sheridan avenue, and north of the center line of Gallagher street and the center line of Center street extended to the middle of the Saginaw river, and east of a line drawn on Mackinaw street and Washington avenue between the intersection of Center and Gallagher streets shall constitute the eleventh ward.
- Twelfth. Subdivision 12. All that part of the city lying east of the center line of Saginaw river and south of the eleventh ward shall constitute the twelfth ward.
- Thirteenth. Subdivision 13. The particular boundaries of the wards upon the west side of the center line of Saginaw river shall be as follows after January one, nineteen hundred six, viz.: All that part of the city lying west of the center line of the Saginaw river, north of the center line of State street, west of the Pere Marquette railroad track between the eastern terminus of State street and Davenport avenue, north of Davenport avenue between said Pere Marquette railroad track and the center line of Saginaw river, shall constitute the thirteenth ward.
- Fourteenth. Subdivision 14. All that portion of the city lying north and west of the center line of Saginaw river, south of the thirteenth ward, east of the center line of Woodbridge street, and north and east of the center line of Brewster street extended to the center line of Saginaw river shall constitute the fourteenth ward.
- Fifteenth. Subdivision 15. All that part of the city lying north and west of the Saginaw river, east of the center line of Woodbridge street and between the center lines of Brewster and Madison streets extended to the center line of Saginaw river, shall constitute the fifteenth ward.
- Sixteenth. Subdivision 16. All that part of the city lying north and west of Saginaw river, east of the center line of Woodbridge street and between the center lines of Madison and Adams

street extended to the center line of Saginaw river, shall constitute the sixteenth ward.

Subdivision 17. All that portion of the city lying north and west of the center line of Saginaw river, east of the center line of Woodbridge street, and between the center lines of Adams and Jackson streets extended to the center line of the Saginaw river, shall constitute the seventeenth ward. Seventeenth.

Subdivision 18. All that portion of the city lying within a boundary commencing at a point where the center line of Jackson street extended crosses the center line of Saginaw river; thence northwesterly along the said extended line of Jackson street to the center of Woodbridge street; thence southwesterly along the center line of Woodbridge street to the center line of Brockway street; thence northwesterly along the center line of Brockway street to the west city line; thence south on said city line to the center line of Greenwich street; thence east along the center line of Greenwich street to the center line of Bullock street; thence south along the center line of Bullock street to the center line of Lee street; thence southeasterly along the center line of Lee street extended to a point where it intersects the south section line of section twenty-six; thence east along said section line to the center of Saginaw river; thence to the place of beginning, shall constitute the eighteenth ward. Eighteenth.

Subdivision 19. All that part of the city lying south of the eighteenth ward and west of the center line of Saginaw river, shall constitute the nineteenth ward. Nineteenth.

Subdivision 20. All that part of the city lying south of State street, west of Woodbridge street and north of Brockway street, shall constitute the twentieth ward. Twentieth.

TITLE XX.

SEC. 14. The common council with the consent of the board of estimates, may cause to be placed upon the general tax roll and raised by tax, the same as other taxes, such sum as they may think proper to be raised for each of the several objects of expenditures estimated as aforesaid for the maintenance and improvements of said parks, public grounds or baths, or for the payment of any other expenses which said commissioners are, by this act, authorized to incur. For the purpose of either establishing bathing beaches or erecting suitable buildings in connection therewith, establishing, fixing or marking dock lines, purchasing city property adjacent to the waters of the Saginaw river or its tributaries, or improving the same by filling or otherwise, or any or all combined, the common council shall have the power, with the approval of the board of estimates, to borrow upon the faith and credit of the city, upon the best Tax levy, etc.
Power to borrow money.

terms they can make, and for such a time as they may deem expedient, a sum of money not exceeding ten thousand dollars, and shall have the authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated "Park improvement bonds of the city of Saginaw," and shall bear interest at a rate not exceeding four per cent per annum and shall mature in not more than thirty years from date of issue. The common council shall have full authority to provide, by resolution, for the advertising and sale of said bonds, and the manner thereof shall conform as near as practicable to the regulations prescribed by law for the issuance of sewer bonds. The moneys so raised, as well as any other moneys received from any source, shall be paid into the city treasury and credited to a fund to be styled the "Park fund" and shall be expended and paid out only for the purposes approved by the common council and the board of estimates.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 648.]

AN ACT to amend act number five hundred six of the local acts of nineteen hundred three, entitled "An act to incorporate the school district of Crystal Falls, in Iron county," by adding seven new sections thereto to be known as sections forty-one, forty-two, forty-three, forty-four, forty-five, forty-six and forty-seven.

The People of the State of Michigan enact:

Act
amended.

SECTION 1. Act number five hundred six of the local acts of nineteen hundred three, entitled, "An act to incorporate the school district of Crystal Falls, in Iron county," is hereby amended by adding seven new sections thereto to be known as sections forty-one, forty-two, forty-three, forty-four, forty-five, forty-six and forty-seven, which sections shall read as follows:

Districts
divided,
territory
included.

Sec. 41. The board of education of the school district of Crystal Falls, in the county of Iron, is hereby authorized to divide said school district into two election districts, of which one shall be known as precinct number one and shall include the territory within the corporate limits of the city of Crystal Falls, and the other of which shall be known as precinct number two and shall include the territory constituting the organized township of Crystal Falls. When the board of education shall have divided the school dis-

Board may
abolish
division.

trict into election districts, as hereinbefore provided, it may, by resolution, abolish such division.

SEC. 42. In case the board of education shall divide said school district into two election districts, there shall be a separate register of electors for each precinct and the trustees residing therein shall constitute a board of registration for such precinct and shall perform such duties and have such powers within and for their respective precincts as are provided by law for the board of registration of said school district.

Registration board, duties, etc.

SEC. 43. The board of inspectors of election for each precinct shall consist of the trustees residing in that precinct and such other qualified electors residing therein, to be appointed by the board of education, as, with the trustees aforesaid, shall constitute a board of five in number, but in case five inspectors do not attend at the opening of the polls or shall not remain in attendance during the meeting, the electors present may choose viva voce such number of said electors as, with the inspectors present, shall constitute a board of five in number. If the president of the board of education be acting as one of the board of inspectors of election, he shall be the chairman thereof, but if the president be not so acting, the board of inspectors shall designate one of their number to be chairman. They shall before the opening of the polls appoint one of their number to be clerk of the meeting and shall appoint another elector to be second clerk of the meeting, and each of the clerks so appointed and each of the inspectors so chosen shall take the constitutional oath of office, which oath either of the inspectors may administer.

Election inspectors, who to constitute.

Chairman.

Clerks.

Oath of office.

SEC. 44. At least ten days before the annual or any special meeting of the school district, the board of education shall, by resolution, provide for the submission to the electors of such questions as are to be submitted at such meeting for viva voce vote as provided by section twenty-nine; and it shall be the duty of the secretary of the board of education to deliver a copy of such resolution to the board of inspectors of each precinct before the hour of one o'clock in the afternoon of the day of said meeting and the chairman of the board of inspectors shall submit the questions to the electors to be voted upon as provided in section twenty-nine.

Election, provision for.

Secretary, duties of.

SEC. 45. A record of the proceedings in each precinct shall be kept by the inspector who shall have been appointed clerk of election, and such record shall be signed by said clerk, and, within twenty-four secular hours after the close of the polls, shall be deposited with the secretary of the board of education, who shall record the same in a book provided for that purpose. Such record shall show the whole number of votes given upon each proposition submitted and the number of votes given for, and the number of votes given against such proposition.

Clerk to keep record of proceedings.

What to show

Certified
statement
of votes.

SEC. 46. The inspectors of election in each precinct shall make a statement in writing in duplicate, setting forth in words, at length, the whole number of votes given for each office, the names of the persons for whom such votes were given and the number each person received; which statement shall be certified under the hands of a majority of the inspectors of election of such precinct and shall forthwith be deposited by them with the board of inspectors of precinct number one, which last named board shall immediately consolidate said precinct reports, and the combined result shall be the official canvass of said school district.

Act
governing.

SEC. 47. The manner of conducting meetings of said school district when divided into precincts as hereinbefore provided shall be in conformity with act number five hundred six of the local acts of nineteen hundred three, except as herein otherwise provided.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 649.]

AN ACT to detach certain territory from school district number four of Schoolcraft township, Houghton county, Michigan and to attach the same to district number two of Calumet township, Houghton county, Michigan.

The People of the State of Michigan enact:

Territory
detached.

SECTION 1. The northwest quarter of the northwest quarter of section eighteen, township fifty-six north of range thirty-two west of the Michigan meridian be and the same hereby is detached from the school district number four of Schoolcraft township, Houghton county, Michigan and attached to school district number two of Calumet township, Houghton county, Michigan.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 650.]

AN ACT to detach certain territory from the township of Schoolcraft, Houghton county, Michigan, and to attach the same to the township of Calumet, Houghton county, Michigan.

The People of the State of Michigan enact:

SECTION 1. The northwest quarter of the northwest quarter of section eighteen, township fifty-six north of range thirty-two west of the Michigan meridian be detached from the township of Schoolcraft, Houghton county, Michigan, and attached to the township of Calumet, Houghton county, Michigan. Territory detached.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 651.]

AN ACT to amend section one and to add a new section to act number sixty-six of the House enrolled acts passed by the legislature of the State of Michigan for the year nineteen hundred five, approved March sixteenth, nineteen hundred five, entitled "An act to provide for the election of a county drain commissioner in and for the county of Saginaw, prescribe his powers and duties and fix and provide for his compensation.

The People of the State of Michigan enact:

SECTION 1. Section one of act number sixty-six of the House enrolled acts passed by the legislature of the State of Michigan for the year nineteen hundred five, approved March sixteenth, nineteen hundred five, entitled "An act to provide for the election of a county drain commissioner in and for the county of Saginaw, prescribe his powers and duties and fix and provide for his compensation," is hereby amended to read as follows; and a new section is hereby added to said act to be known as section eight and to read as follows: Section amended.

SECTION 1. At the election to be held on the first Monday of April in the year one thousand nine hundred five, and each fourth year thereafter, there shall be elected in Saginaw county, by the qualified electors thereof, a county drain commissioner, whose term of office shall begin on the first day of May following his election and continue for four years thereafter and until his successor shall be elected and Drain commissioner, when elected. Term of office.

Oath. qualified. Before entering upon the discharge of the duties of his office he shall take, subscribe and file with the county clerk of said county, the constitutional oath of office, and shall also execute and file with said clerk a bond to the county of Saginaw in the penal sum of ten thousand dollars, with two or more sufficient sureties to be approved by the board of county auditors of said county, conditioned upon the faithful discharge of the duties of his said office.

Bond, by whom approved, etc.

Publication of official reports, etc.

SEC. 8. The county drain commissioner, aforesaid, shall publish all official reports, notices and all matters requiring publication in connection with the office of county drain commissioner, in a newspaper to be designated by the board of county auditors for Saginaw county.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 652.]

AN ACT to amend sections three, five, twelve and thirteen of chapter two of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith" approved June seventh, eighteen hundred eighty-three, as amended by act approved June fourth, eighteen hundred ninety-five, and the other acts amendatory thereof.

The People of the State of Michigan enact:

Sections amended. SECTION 1. Sections three, five, twelve and thirteen of chapter two of an act, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, as amended by act approved June fourth, eighteen hundred ninety-five, and the other acts amendatory thereof, be and the same are hereby amended so as to read as follows:

Vacancy, how filled. SEC. 3. Any vacancy occurring in the chairmanship of any district board of registration by death or removal from such district may be filled by the common council. In the year eighteen hundred ninety-six and every fourth year thereafter there shall be a new general registration of all the electors in the several election districts, and for that purpose the several district boards of registration shall meet at the place designated in the notice published by the city clerk, as hereinafter provided on the third Monday in September and the following Tuesday and Wednesday preceding the general election in November of said years and in each

Registration.

Place of meeting.

Notice of.

fourth year thereafter, and shall continue in session on each of said days from the hour of eight o'clock a. m. until eight thirty o'clock p. m. (standard time) without adjourning. Such general re-registration shall be made in the "register of electors" for such districts and shall be of the names of all persons at the time residing in such districts and qualified as electors in said districts according to the provisions of the constitution and as hereinafter provided. Their sessions will be public. The board at every session shall have power and it shall be their duty to question every person presenting himself for registration, touching his residence and other qualifications, as an elector of the district, and such other matters as are required to be entered in said register, and it shall be the duty of the applicant to make truthful answers to all such questions, and the board may employ an interpreter, if they deem it necessary, who shall be sworn truly and impartially to interpret all such questions and answers, and it shall be the duty of said board, on the demand of any of them or of any elector who shall be present to administer to all persons who shall personally apply to register the following oath or affirmation:

Powers and duties of board.

May employ interpreter.

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you, touching your place of residence, name, place of birth, your qualifications as an elector and your right as such to register and vote under the laws of this State." Either of such registrars may administer the oath to the applicant and the oath to the interpreter, if one be employed.

Form of oath.

SEC. 5. On or before the fifteenth day of September in each year when the general registration of electors is required to be made, the city clerk shall procure and have in readiness a book for each and every election district in said city for the registration of electors therein, and it shall be styled "the register of electors" for such district. Each register shall be made of good and suitable paper and substantially bound and contain space and ruled lines for at least twelve hundred names and be arranged and ruled in parallel columns with printed headings in the following order: "Number (consecutively) full name; residence; age; term of residence in the State and ward; nativity; naturalized; declared intention prior to May fourth, eighteen hundred ninety-two; date of registration; sworn; remarks, and the ruling and headings on each page of the register shall be according to the following diagram enlarged:

Clerk to provide registration book.

Form of books, etc.

Register of Electors.						District.	Ward.			
No.	Full name.	Residence.	Age.	Term of Residence.			Naturalised or declared intention to become a citizen prior to May 4, 1892.	Date of Registration.	Sworn.	Remarks.
				In State.	In Ward.	Nativity.				
							Naturalised.	Declared Intention.		

Alphabetical
list of regis-
tered electors.

Form of, etc.

Certified.

Delivered
to clerk.

SEC. 12. At the close of the registration on the last day of the sessions of said board said district board of registration shall make out in books to be prepared, furnished to them by said city clerk, a list of all the registered electors in their district, whether registered by them or by any preceding board, as herein provided, arranged alphabetically in the order of their surnames, followed by their full christian name, ages and residences, as registered and the registered number of each prefixed. The books to be prepared for this purpose shall be ruled in columns with printed headings, as follows, viz.: Registry number name age residence voted November 18.. sworn voted April 18... sworn voted sworn remarks..... These said lists shall be carefully compared by the registrars of each district with the registers thereof, and they shall then attach thereto a certificate as follows: "We, the undersigned, members of the district board of registration of electors, in..... district ward of the city of Detroit, do certify that the foregoing list is a true and correct copy of the names, ages, residences, and registry numbers, and of any entries in the column of "remarks" opposite such names on the registers of said district of all persons who have been registered as residents and qualified electors in said district, dated this day of in the year hundred and" and which certificate shall then be signed by all the members of said district board, and said list shall be delivered, together with the registers of electors of said district to the city

clerk for use by the board of inspectors at the election held in the fall of the year and in the year following until a new list be made at the registration made in the month of September. At the registration made in the spring of the year and at any registration preceding a special election, the board of registrars will complete said list by adding thereto the names of any qualified electors registered by them, said names to be entered in the same manner, and there shall be annexed thereto a like certificate as is required as above provided to be made by the registrars at the fall registration. Said list shall be known and marked as the "election list of electors" for the district ward (naming the district and ward). Any entries in the column of "remarks" set opposite any name in the register shall be copied into the like column in the list of electors.

Completed
list, when
made.

How marked.

SEC. 13. On the first Monday in March preceding the election held in April, and on the third Monday of September and the following Tuesday preceding the biennial election held in November, and on the third Monday of September and the following Tuesday and Wednesday of the year in which a presidential election is held, the district boards of registration shall be in session in their respective districts at such places as shall be designated in the notice of registration to be published by the city clerk as herein-after provided from eight o'clock in the forenoon (standard time) until eight thirty o'clock in the evening (standard time) of each of said days without intermission. At such sessions of such district board, they shall review and complete the list of qualified voters for such district. Such registration shall be made in the "register of electors" for such district and shall be made in the manner provided in this act for a general registration of electors in every fourth year. And all the provisions of law in relation to receiving applicants for registration, and the registration of such applicants, shall be held applicable to, and govern the registration in such intermediate years. On reviewing the list of electors appearing upon such register, if it shall be known to the board that any person whose name appears therein is dead, or has removed from the city, they shall enter the word "dead" or "removed from the city" opposite such name in the column headed "remarks," and they may further draw a line in red ink through such name. They shall also, opposite such entry in said column of remarks, enter the date of entry and the name of the registrar making it, so as to show when and by whom made, and thereafter such name shall be considered erased and treated as no longer in the register; but if it shall happen that such entry is erroneously made and such person shall thereafter appear and claim the right to be again registered, he may be registered by the board of registration, in the same manner as though his name had never been erased, or if he shall appear at an

District
boards, when
to meet.

Duties of.

Erasure of
certain names,
etc.

If erasure be
erroneously
made, how
person may
vote, etc.

False entries
or affirmation,
to be deemed
misdemeanor.

Aggrieved
party entitled
to recover.

Removal cer-
tificates issued
by clerk.

election and claim the right to vote thereat, his name may, on his application be again registered upon the following terms: He shall upon his examination on his oath or affirmation, which any member of the board of inspectors may administer, declare that he is the identical person whose name was so registered and erased and that he is a qualified voter and entitled to vote; and upon making such oath or affirmation the board of inspectors being satisfied that he is a duly qualified elector, his name may be registered in the manner above described, by a member of the board of inspectors, and by its order the proper entries being entered in the proper register, under the appropriate heading and the name and residence of such person entered in the list made by the board of registration for the use of said board of inspectors, as above provided, and in the column of remarks in the "register of electors" there shall be entered opposite such name the words "Registered by inspectors," followed by the signature of one of the board of inspectors. And if such applicant shall affirm or swear falsely he shall be liable to the pains and penalties of perjury and if any entry shall be made falsely and maliciously and without credible information, indicating in said register that any person is dead or who has removed from the city, the member of the board making it, and any other member of the board consenting thereto, shall be deemed guilty of a misdemeanor, and be punished as such; and the party aggrieved shall be entitled to recover from him or them in an action on the case, treble damages for the injury, and treble costs of suit, in any court having jurisdiction of the case, and the record of the defendant's conviction of the criminal offense, duly authenticated, shall be prima facie evidence of his liability. In cases of special elections held in any ward or wards, and not in the city generally, removal certificates provided by section eleven, shall be made and issued by the city clerk, and he shall perform the duties in such case provided to be done by the registrars of the district from which the applicant shall have removed.

Approved June 16, 1905.

[No. 653.]

AN ACT to provide the manner of voting by the members of the board of supervisors of Saginaw county.

The People of the State of Michigan enact:

How elected.

SECTION 1. All officers, appointees, agents and servants elected by the board of supervisors of Saginaw county shall be elected by viva voce vote of the members of said board.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 654.]

AN ACT to provide for the compensation and to prescribe the duties of certain officers of the county of Saginaw; to provide for the safe keeping of the moneys of said county of Saginaw, and to repeal all acts inconsistent with the provisions of this act.

The People of the State of Michigan enact:

SECTION 1. The treasurer of the county of Saginaw shall receive an annual salary of twenty-five hundred dollars. Salaries of officers. The clerk of the county of Saginaw shall receive an annual salary of twenty-five hundred dollars. The register of deeds shall receive an annual salary of twenty-five hundred dollars. The prosecuting attorney shall receive an annual salary of twenty-five hundred dollars. The county game warden shall receive an annual salary of five hundred dollars. The officers named shall not be entitled to any compensation other than said salary for the performance and discharge of any duties growing out of their office, or any offices, the duties of which they exercise by virtue thereof.

SEC. 2. It shall be the duty of the officers named in the foregoing section to collect all fees now provided by law for the performance of the duties growing out of their said offices: Collect fees. Provided, That before any suit at law or in chancery, Proviso. shall be commenced in the circuit court of said county, there shall be paid to the clerk of said court by the party or parties commencing the suit, the sum of two dollars, and before any final judgment or decree shall be entered in such suit, there shall be paid to the clerk of said court by the prevailing party, the sum of four dollars. And if a jury shall be demanded by either party to any such suit, such party shall, at the time of making such demand, pay to the said clerk the sum of three dollars: Further proviso. Provided further, That in case both parties shall demand a jury, the clerk shall receive such sum from the party first making the demand therefor, and from him only. All moneys so received shall be paid by said clerk to the county treasurer, as provided in section three of this act. Moneys paid to treasurer. The sum paid as aforesaid shall be held in full of all clerk, entry and jury fees in any such suit from the commencement thereof to and including the issuing and return of the execution or other final process. To be taxed as costs of suit. The sum, or sums, so paid shall be taxed as costs of the suit in favor

of the party paying the same, if he be the prevailing party, in addition to any other costs to which he may be entitled by law.

Fees, when
paid to
treasurer.
Certified
statement.

SEC. 3. The fees collected by the foregoing named officers shall be paid to the county treasurer on Saturday of each week. Such payment shall in all cases be accompanied by a statement in writing by the respective officers, of services rendered and fees collected, and that the same is true in every particular, which statement shall be verified by oath of the officer making the same, that such statement is true.

Money placed
in general
fund.

The money so paid shall be for the use of said county, and by said treasurer shall be immediately placed in the general fund and together with all other funds that may come into his hands belonging to the county of Saginaw shall be deposited by him in the depository which shall be designated as hereinafter provided.

Officers to
furnish bond.

SEC. 4. All said officers shall give a bond to the board of supervisors of Saginaw county, with sufficient sureties to be approved by said board, and in such amount as the board may direct, conditioned upon the faithful discharge of their duties growing out of their said offices as prescribed by this act. The bond furnished by the county treasurer shall be that of a responsible, reliable and reputable surety company, the premiums upon such bonds to be paid by the county of Saginaw upon the order of the board of county auditors. No person hereafter elected to the office of county clerk, register of deeds or county treasurer in the county of Saginaw, shall enter upon the discharge of their duties until he has executed a bond pursuant to the provisions of this section.

County de-
pository, by
whom desig-
nated.

SEC. 5. It shall be the duty of the county treasurer of the county of Saginaw to deposit the receipts of said office to the credit of the county of Saginaw, in such bank or banks incorporated under the laws of this State or of the United States, as may be designated by the board of county auditors of said county, as the depository of the funds of the county. All moneys deposited in such bank or banks shall bear interest at a rate to be approved by the said board of county auditors, to be computed upon weekly balances, and placed to the credit of the county on the thirty-first day of December and the thirtieth day of June in each year, and at any time when the account may be closed.

Interest, etc.

Banks to fur-
nish bond.

SEC. 6. Before any deposit shall be made with any bank or banks as aforesaid, such bank or banks shall execute and deliver to said board of county auditors a bond in such sum and with such sureties as shall be approved by said board of county auditors, the judge of probate and the prosecuting attorney of such county. Such bonds shall be made to the county and shall be conditioned for the safekeeping and repayment of such moneys, or any part thereof, on demand, and the payment of such interest. Such bonds shall also

By whom
approved.

What to
contain.

contain such other conditions as may be required by said board of county auditors, the probate judge or prosecuting attorney of such county.

SEC. 7. All interest moneys so paid by any bank or banks on the deposits as aforesaid, shall be credited to and form a part of the general fund of the county. General fund to receive credit.

SEC. 8. The board of county auditors, whenever they shall deem it unsafe to continue such deposits with any such bank or banks, or they shall deem the security given insufficient, may direct the county treasurer to withdraw the deposits in such bank or banks, and it shall thereupon be the duty of said treasurer to demand and withdraw such deposits as so directed by said board. May withdraw deposits.

SEC. 9. In addition to the powers now vested by law in said board of county auditors, they shall have power to prescribe the number of deputies and clerks to be employed in said offices and to fix the compensation to be paid them, except as hereinafter provided, which number and compensation shall be sufficient for the proper transaction of the business of such offices. The principal deputy of the county treasurer shall receive a salary of twelve hundred dollars per annum, the principal deputy of the register of deeds shall receive a salary of twelve hundred dollars per annum, the probate register of said county shall receive a salary of twelve hundred dollars per annum, the probate clerk shall receive a salary of twelve hundred dollars per annum, the assistant prosecuting attorney of Saginaw county shall receive a salary of fifteen hundred dollars per annum, and each deputy of the county clerk shall receive a salary of twelve hundred dollars per annum. Such deputies and clerks shall be appointed by the said county treasurer, county clerk, probate judge and register of deeds, respectively, and shall hold office after such appointment, during the term of his principal, except upon removal by the board of county auditors for malfeasance, misfeasance, or nonfeasance in office, and said assistant prosecuting attorney shall be appointed in the manner, and he shall have such powers and duties as are prescribed by act number fourteen of the public acts of eighteen hundred ninety-one, entitled "An act to provide for the appointment of an assistant prosecuting attorney for the county of Saginaw, and to prescribe his powers and duties." All salaries named in this act shall be paid monthly out of the general fund of the county. Auditors may appoint clerks, etc.; fix compensation.

SEC. 10. All acts or parts of acts in anywise contravening the provisions of this act are hereby repealed. Salaries. Repealing clause.

This act is ordered to take immediate effect.

Approved June 16, 1905. Clerks, by whom appointed; term of office.

[No. 655.]

AN ACT to annex certain territory situated in the township of Greenfield, in the county of Wayne, to the city of Detroit, and to apply and make operative in said territory all laws applicable to and operative in said city.

The People of the State of Michigan enact:

Territory
annexed.

SECTION 1. All that territory situated in the township of Greenfield, in the county of Wayne, hereinafter described, is hereby annexed to and shall constitute a part of the city of Detroit. Said territory is described as follows, to-wit:

Description of.

Beginning at the intersection of the present northerly limits of the city of Detroit with the northeasterly line of Grand River avenue, thence northwesterly along the northeasterly line of said Grand River avenue to the intersection with the extension of the northerly line of Allendale subdivision of southerly ten feet of lot four and lots seven, eight, eleven and twelve of Tireman's subdivision of part of lot five, one-fourth sections fifty, fifty-one, fifty-two, ten thousand acre tract, and fractional section three; town two south, range eleven east, Greenfield township; thence westerly along the northerly line of said Allendale subdivision and extension thereof, to the easterly line of private claim two hundred sixty; thence southerly along the easterly line of private claim two hundred sixty to the intersection with the present northerly line of the city of Detroit; thence easterly; thence northerly and again easterly along the present city limits of the city of Detroit to the point of beginning, the above described property being now in the township of Greenfield.

Fourteenth
ward, part of.

SEC. 2. The said territory shall constitute a part of the fourteenth ward of the city of Detroit. The common council shall, at least thirty days before the first general or special election after the passage of this act, provide for the lawful registration of electors in said territory in the northerly voting district of said ward as now or as it may hereafter be established.

Registration.

Territory, how
governed.

SEC. 3. The territory aforesaid shall, from and after the taking effect of this act, be subject to all the laws of this State applicable to the city of Detroit, and also to all the ordinances and regulations of the said city of Detroit, and shall become a part of the school district as now established in the said city of Detroit, and subject to all laws, ordinances and regulations applicable to the said school district.

Tax levy.

SEC. 4. The annexation of the said territory shall not, however, be held to interfere with or prevent the levy, collection or apportionment of any tax levied or assessed upon any of the property situated in said territory for the year nineteen hundred five, for State, county, school, highway or

township purposes, and said territory shall not be subject to taxation for city purposes prior to January one, nineteen hundred six.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 656.]

AN ACT to incorporate the city of Sandusky in the county of Sanilac, and to repeal act number two hundred seventy of the local acts of eighteen hundred eighty-five, entitled "An act to incorporate the village of Sandusky," approved March twelve, eighteen hundred eighty-five, and act number five hundred thirty of the local acts of eighteen hundred eighty-seven, entitled "An act to change the name of the village of Sandusky in Sanilac county to Sanilac Centre," approved June twenty-one, eighteen hundred eighty-seven.

The People of the State of Michigan enact:

SECTION 1. All that certain territory situated in the county of Sanilac and State of Michigan described as follows, to-wit: The northwest quarter of section four, the northeast quarter of section five, in township eleven north, of range fourteen east, and the southeast quarter of section thirty-two, the southwest quarter of section thirty-three, in township twelve north, of range fourteen east, constituting the village of Sanilac Centre, is hereby incorporated into, and the same is hereby made, constituted and organized into a city to be known by the name of the city of Sandusky. Incorporation; description of territory.

SEC. 2. The said city shall consist of one ward, the boundaries of which shall coincide with the boundaries of the said city. Wards.

SEC. 3. The following city officers, viz.: A mayor, city clerk, city treasurer, supervisor and two justices of the peace, shall be elected by the qualified voters of the whole city. Officers.

SEC. 4. In said city two constables and six aldermen shall be elected. The constables shall be elected for the term of one year. At the first election held under this act three of said aldermen shall be elected for the term of one year and three for the term of two years, and annually thereafter three aldermen shall be elected for the term of two years. Aldermen, etc., terms of.

SEC. 5. The following officers shall be appointed by the mayor, by and with the advice and consent of the city council, viz.: A city marshal, city attorney, street commis- Appointive officers.

Confirmed by
council.

sioner, health officer and pound master. And the city council may provide, by ordinance or resolution, for the appointment of such other officer or officers as may by them be deemed necessary to carry into effect the powers granted to said city by this act. Officers appointed as aforesaid shall not be eligible to act unless their appointment be first confirmed by vote of the city council.

Justices of
peace, term
of, etc.

SEC. 6. The justices of the peace elected at the first city election shall hold their offices one for the term of two years and one for the term of four years. The time for which each shall be elected shall be designated on the ballots cast for him. After the first election one justice of the peace shall be elected every two years for the term of four years.

Supervisor,
powers and
duties of.

SEC. 7. The supervisor shall perform the same duties in relation to the assessment of property and levying taxes for all purposes in said city as are imposed by law upon supervisors elected in townships; and he shall have the like powers and perform the like duties in all other respects as supervisors so elected, so far as such powers and duties are required to be exercised and performed in said city; he shall be a member of the board of supervisors of said county of Sanilac, and shall represent said city on said board, and shall have all rights, privileges and powers of the several members of said board of supervisors.

Assessment of
property.

SEC. 8. The assessment of the property of said village of Sanilac Centre made by the assessor of said village for the year nineteen hundred five, as equalized by the board of review of said village, shall be and remain as the assessment of said city of Sandusky for said year, and said assessment shall in no way be affected by the passage of this act.

Compensation,
determined
by council.

SEC. 9. The mayor and aldermen of said city shall act without compensation. The city marshal, clerk, treasurer and attorney shall each receive such annual salary as the council shall determine by ordinance or resolution. The compensation of the supervisor for assessing and levying taxes, extending taxes upon the roll, and for all other services performed by him shall be two dollars per day for the time actually employed. Justices of the peace, constables and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

Board of
review, who
constitutes.

SEC. 10. The supervisor and the three aldermen whose terms of office soonest expire, shall constitute a board of review of assessments for said city, and they shall perform their duties at the time and in the manner provided in the general tax laws for the performance of such duties in the townships.

SEC. 11. The officers of the said village of Sanilac Centre shall hold their respective offices until the election and qualification of officers to be elected under this act. Village officers, expiration of term.

SEC. 12. All ordinances, by-laws and resolutions in force in said village of Sanilac Centre when this act shall take effect, that are not in conflict with this act or the general laws relating to the incorporation of cities hereinafter referred to, shall be and remain in full force and effect until amended or repealed by the council of said city. Ordinances, etc., to remain in force.

SEC. 13. All rights and property of any kind and description which were vested in the aforesaid village of Sanilac Centre shall revert to and be owned by said city of Sandusky under this act, and all liabilities either in favor of or against said village existing at the time of the passage of this act are hereby assumed and taken over by said city. Property, etc., to revert to city.

SEC. 14. The said city of Sandusky, shall, in all things not herein otherwise provided, be governed and its powers and duties defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the session laws of eighteen hundred ninety-five, approved May twenty-seven, eighteen hundred ninety-five, and all acts amendatory thereto, which act, and amendments thereto, is hereby made and constituted a part of the charter of said city of Sandusky, except as herein otherwise provided: Provided, That chapter twenty-eight of said act number two hundred fifteen, entitled "Board of Public Works," shall not form any part or portion of the charter of said city of Sandusky, nor have any force or effect therein, and the construction, management, supervision and control of any waterworks, electric or other lighting plants, sewers, sewer system and drainage of said city shall be vested in the city council: And provided further, That chapter thirty-two of said act number two hundred fifteen, entitled "Education," shall not form any part or portion of the charter of said city of Sandusky nor have any force or effect therein, and the present limits of school district number seven fractional of the townships of Custer and Watertown, in said county, shall be in no way affected by this act, but the same shall continue as heretofore, subject to and governed by the general statutes of this State relating to schools and school districts, and taxes for school purposes therein shall be assessed and collected in all respects in pursuance of existing statutes relating to fractional school districts; and the clerk and supervisor of said city shall, in relation to said school district, and the assessment and collection of such taxes, perform the same duties required of like officers in townships. City, act governing.

SEC. 15. The first election in said city shall be held on the fourth Monday of June in the year nineteen hundred five. The council of said village of Sanilac Centre shall appoint three electors to act as a board of registration and as a Election, when held.

Registration, inspectors, etc.

board of election inspectors, and said council shall also designate a place where said registration and said election shall be held. Notice of the time and place of such registration and of holding such election, and of the officers to be elected, shall be given by the clerk of the said village of Sanilac Centre, or by a committee of said village council, as said council may determine, at least ten days before said election, by posting such notices in three public places in said village and by publishing a copy thereof in one or more of the newspapers published in said city, for the same time.

Notice of
election, etc.

Election may
be held within
one year.

SEC. 16. In case the said first election shall not be held at the time designated in this act, the election for the first officers of the said city may be held at any time within one year from the time designated in this act, on notice being given thereof in the same manner and for the same time, and the appointment of the boards of registration and of election inspectors, as provided in section fifteen of this act.

Act
repealed.

SEC. 17. Act number two hundred seventy of the local acts of eighteen hundred eighty-five, approved March twelve, eighteen hundred eighty-five, entitled "An act to incorporate the village of Sandusky, in Sanilac county," and act number five hundred thirty of the local acts of eighteen hundred eighty-seven, entitled "An act to change the name of the village of Sandusky, in Sanilac county, to Sanilac Centre," are hereby repealed.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 657.]

AN ACT to amend sections two, three and five of act number four hundred forty-five of the local acts of the year nineteen hundred three, entitled "An act to provide for a county poor physician for the county of Saginaw, fix his compensation, prescribe his duties, and regulate the liability of the county for the care of indigent persons affected with contagious diseases," approved April twenty-nine, nineteen hundred three.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Sections two, three and five of act number four hundred forty-five of the local acts of the year nineteen hundred three, entitled "An act to provide for a county poor physician for the county of Saginaw, fix his compensation, prescribe his duties, and regulate the liability of the county for the care of indigent persons affected with con-

tagious diseases," approved April twenty-nine, nineteen hundred three, are hereby amended so as to read as follows:

SEC. 2. Said county poor physician shall take and subscribe the constitutional oath of office within ten days after his election or appointment, and at the same time he shall execute and deliver to the county clerk of said county a bond in the penal sum of two thousand dollars, with two sufficient sureties, conditioned for the faithful discharge of his duties as such county poor physician. Said county poor physician shall receive a salary of fifteen hundred dollars per annum, payable monthly, out of the general fund of the county, and his actual and necessary traveling expenses while engaged in the duties of his office, for said county, together with stationery and postage. The bills therefor, properly certified to and with vouchers attached, shall be presented to the board of county auditors for the county of Saginaw and by them audited and allowed in the same manner as other bills against the county.

SEC. 3. Said county poor physician shall have a general supervision over all cases of contagious diseases where the person or persons so afflicted shall become a county charge, as hereinafter set forth, to-wit: All cases of smallpox, diphtheria, scarlet fever, typhoid fever and measles, where the person so afflicted shall be quarantined by the attending physician, or any local board of health; but, before the county shall become primarily liable for the care and maintenance of any such person or persons, they shall, by themselves, their father, mother, guardian or other person legally liable for their support, make and subscribe an affidavit setting forth that he or they are not the owner or owners of property in excess of the cash value of five hundred dollars, and that they have no other means of support than that of their daily labor; all such affidavits shall be immediately forwarded to the office of the county poor physician.

SEC. 5. The county of Saginaw shall not be liable for medical care and maintenance for indigent persons afflicted with contagious diseases, in any other manner than as set forth in section four of this act, nor shall the action of any township, city or village board of health bind the county therefor, but all bills for medical care, medicines furnished, nurse or nurses, clothing, provisions or fuel, shall be endorsed by said county poor physician, but said endorsement shall not be final as to the amounts claimed; said bills when so endorsed and sworn to by the claimants shall be presented to the board of county auditors for the county of Saginaw, and by them audited and allowed as they may deem just and right as between the claimant and the county.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 658.]

AN ACT to amend section ten of act number three hundred sixty of the local acts of eighteen hundred eighty-five, entitled "An act to incorporate the public schools of the village of Fenton, of the township of Fenton, Genesee county, Michigan."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section ten of act number three hundred sixty of the local acts of eighteen hundred eighty-five, entitled "An act to incorporate the public schools of the village of Fenton, of the township of Fenton, Genesee county, Michigan," is hereby amended to read as follows:

Annual
meeting,
when held.
Trustees,
term of office.

SEC. 10. The annual meeting of the said school district shall be held on the second Monday in July in the year nineteen hundred five and annually thereafter, and after the year nineteen hundred five the qualified voters shall elect by ballot two trustees who shall hold their offices three years and until their successors shall have been elected and qualified.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 659.]

AN ACT to detach certain territory from the township of McMillan in the county of Ontonagon, State of Michigan, and to organize the township of Stannard in said county, and to provide for the division of assets of the present township of McMillan and to provide for the assets of the township school district of the township of McMillan.

The People of the State of Michigan enact:

Territory
comprising.

SECTION 1. Townships forty-eight and forty-nine north, of range thirty-nine west of the Michigan meridian, and township forty-nine north, of range thirty-eight west of the Michigan meridian, and the west half of township forty-eight north, of range thirty-eight west of the Michigan meridian, is detached from the township of McMillan and said foregoing herein described territory is erected and organized in a new township to be called the township of Stannard.

Election,
when held.

SEC. 2. The first annual meeting of said township of Stannard shall be held on the fourth Monday in June next

at the schoolhouse in the village known as Bruce's Crossing, and James N. Howlett, Michael Schmitt, Peter Hansen and Edwin J. Keeler are hereby made and constituted a board of inspectors of said township election, and at such election the qualified electors shall choose by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State, in case of township elections.

Inspectors.

Officers.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time and place specified for holding the same, it shall be lawful to hold the same at any time thereafter by giving at least five days' notice of the time and place of holding such meeting by posting notices thereof in four public places in said township, which notices may be given by said board of inspectors of election or a majority of them.

Special election.

Notice of.

SEC. 4. If, for any reason, all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township, who shall be present at the time and place designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of said inspectors who shall neglect or be unable to attend said meeting.

Inspectors, vacancies filled.

SEC. 5. The said James N. Howlett, Michael Schmitt, Peter Hansen and Edwin J. Keeler, or a majority of them, shall constitute a board of registration with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at the schoolhouse at Bruce's Crossing on the Saturday preceding said election.

Registration board, who to constitute, etc.

SEC. 6. The assets and liabilities of whatever nature and character belonging to the township of McMillan shall be divided between the township of McMillan and the township of Stannard in proportion to the assessed valuation of the property in said townships, according to the current assessment roll. All taxes now delinquent on any of the property in said township of McMillan that may hereafter be collected, shall be paid to the township in which the land on which the taxes are delinquent shall be situate.

Assets, etc., divided.

Delinquent taxes.

SEC. 7. The assets and liabilities, excepting the schoolhouse sites and the appurtenances thereunto of the township school district of McMillan township, shall be divided between the township school district of McMillan and the township school district of Stannard hereafter to be organized, in proportion to the assessed valuation of the property in said townships according to the current assessment roll. The primary school fund apportioned for the fiscal year nineteen hundred five shall be divided between the township school district of McMillan township and the town-

Division of assets, etc.

ship school district of Stannard township, hereafter to be organized, in proportion to the number of children of school age residing in each township.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 660.]

AN ACT to amend sections fifty-three and fifty-five of chapter four and section one hundred ninety-six of chapter sixteen of act number five hundred fourteen of the local acts of nineteen hundred three, entitled "An act to annex the territory embraced within the city of West Bay City, to that of Bay City, and to consolidate the city of West Bay City with the city of Bay City under the name of Bay City, to specify and fix the boundaries of the city; to consolidate the school system and the library systems of the said cities of West Bay City and Bay City; to provide for the assuming and payment of all the indebtedness and liabilities of the present cities of Bay City and West Bay City, and their school and library system and to provide for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Bay City and to repeal all acts and parts of acts inconsistent herewith," approved June eight, nineteen hundred three.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Sections fifty-three and fifty-five of chapter four and section one hundred ninety-six of chapter sixteen of act number five hundred fourteen of the local acts of nineteen hundred three, entitled "An act to annex the territory embraced within the city of West Bay City to that of Bay City, and to consolidate the city of West Bay City with the city of Bay City under the name of Bay City; to specify and fix the boundaries of the city; to consolidate the school system and the library systems of the said cities of West Bay City and Bay City; to provide for the assuming and payment of all the indebtedness and liabilities of the present cities of Bay City and West Bay City, and their school and library systems and to provide for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Bay City and to repeal all acts and parts of acts inconsistent herewith," approved June eight, nineteen hundred three, are hereby amended so as to read as follows:

CHAPTER IV. .

SEC. 53. The comptroller shall, at the end of the fiscal year, ending April thirty, in each year, make out a detailed statement of all the receipts and expenditures of the corporation of the past year, which statement shall state particularly upon what accounts all moneys were received, and shall specify all appropriations made by the council during the year, and the particular purpose for which each appropriation was made. Such statement shall be signed by the mayor and recorder, and shall be filed in the office of the recorder. The comptroller shall cause to be published at least two hundred copies of a summarized statement under general heads of his annual report, together with such other annual reports as the council may order.

Comptroller
to make
statement of
receipts, etc.

Where filed.

Publication of.

SEC. 55. The comptroller shall in like manner keep an account of all funds, taxes, assessments, receipts and expenditures of the city, and at the end of the fiscal year in the month of April in each year he shall make out and present to the council a full statement and balance sheet of the financial accounts of said city, as provided in this act, with such recommendations as may be proper to add thereto, and shall cause two hundred copies of a detailed statement of the same under the general heads, or as many more as the council may direct, to be printed in pamphlet form.

Balance
sheet, etc.

TITLE XVI.

SEC. 196. All money drawn from the treasury, except school funds, shall be drawn in pursuance of an order of the council, by warrant signed by the recorder and countersigned by the comptroller. Such warrant shall specify for what purpose the amount therein named is to be paid, and the comptroller shall keep an accurate account of all warrants paid by him. The treasurer shall keep an accurate account of, and report to the comptroller on the first of each month, a detailed statement of all taxes and interest collected and moneys received and disbursed. Said books shall be open to the inspection of any elector of the city at all reasonable hours. All warrants paid by the treasurer shall at all times be subject to the inspection of the comptroller who shall give the treasurer credit for moneys disbursed. The treasurer shall exhibit to the comptroller an annual statement at the end of the fiscal year, April thirty, and at such other times as the council may require, a full and fair account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury; which account shall be referred to a committee for examination and if found correct shall be approved by the

How money
drawn from
treasury.

Report to
comptroller.

Books open
to inspection.

Council to
approve
accounts.

council and filed. The comptroller shall render statements of the accounts of the city appearing upon his books whenever required by the council.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 661.]

AN ACT to amend section eleven of an act entitled "An act to reincorporate the city of Benton Harbor, Berrien county, Michigan" being act number four hundred seventy-two of the local acts of the State of Michigan for the year A. D. nineteen hundred three and also to add nine new sections to said act; said new sections to be known as sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two.

The People of the State of Michigan enact:

Section amended.

SECTION 1. Section eleven of an act entitled "An act to reincorporate the city of Benton Harbor, Berrien county, Michigan," being act number four hundred seventy-two of the local acts of Michigan for the year A. D. nineteen hundred three, is amended to read as follows, and nine new sections are added to said act, to be known as sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two and to read as follows:

Appointive officers, when named.

SEC. 11. The appointment of officers, excepting city assessor and excepting an appointment to fill vacancies, shall be made on the first Monday in May of the year A. D. nineteen hundred six and every two years thereafter; appointments which for any cause should not be made on that day, may be made by the mayor and confirmed in any subsequent regular meeting of the council. The city assessor shall be appointed for a term of two years at the time now provided for making such appointment. The term of all appointive officers now appointed, shall terminate on the first Monday in May, A. D. nineteen hundred six, or as soon thereafter as their successors are appointed and qualify.

Elective officers: term of office.

SEC. 14. The mayor, city clerk, and city treasurer shall hold their offices for a term of two years and supervisors and constables shall hold their offices for a term of one year from the second Monday in April in the year in which they are elected and until their successors are qualified and enter upon the duties of the office. The term of all elective officers except aldermen now holding office in such city shall terminate the second Monday in April, A. D. nineteen hundred six,

or as soon thereafter as their successors are elected and qualified.

SEC. 15. All officers appointed by the council or mayor, excepting appointments to fill vacancies, shall be appointed for a term of two years from and after the first Monday in May of the year in which the elective officers of the city are elected; and until their successors qualify and enter upon the duties of the office. Appointive officers, term of office.

SEC. 16. The mayor shall receive a salary as may be determined by the council, not exceeding six hundred dollars per year and the aldermen a yearly salary not exceeding fifty dollars as may be prescribed by the council. Salaries.

SEC. 17. The council may contract from year to year or for a period of time not exceeding ten years, with any person, persons, firm or corporation for the supplying of said city or the inhabitants thereof or both with gas, electricity or other light or power, upon such terms and conditions as may be agreed upon; and may grant to such person, persons, firm or corporation the right to the use of the streets, alleys and wharves and public grounds of said city as shall be deemed necessary to enable such person, persons, firm or corporation to construct and operate proper works for the purpose of supplying such gas or electricity for light and power or other purposes to said city or the inhabitants thereof and surrounding territory upon such terms and conditions as shall be specified in such contract and for any period not exceeding thirty years. Council may contract for lighting, etc.

SEC. 18. Whenever the expense of constructing or repairing any public work placed under the control of the board of public works shall not exceed the sum of one thousand dollars and shall not be paid wholly or in part by special assessment, the work shall be done by such board in such manner as they may deem proper; but whenever such expense shall exceed the sum of one thousand dollars, or whenever such work shall be paid wholly or partly by special assessments, then the said board shall submit plans, diagrams and profile and estimate thereof to the council for their approval and when so approved, the board shall, subject to the approval of the council, cause such work to be done by contract or otherwise in such manner as they may deem best and proper; and said board of public works shall not be required to advertise for sealed proposals or let such work by contract except when so directed by the council. Grant franchises, etc.

SEC. 19. On or before the first Monday of October in each year the city clerk shall certify to the county clerk of the county of Berrien, the aggregate amount of all sums which the council require to be raised for school, library and school-house purposes by general taxation upon all taxable property in the whole city. If the city has a July roll, then all sums, whether for general taxes or special assessment that have not been paid upon the July roll, shall, by the super- Construction of public work, etc., provision for.

Estimates of sums to be raised by taxation.

When spread upon tax roll.

visors of said city or the city assessor, as the case may be, be spread and continued on the December roll of the same year, with penalties added thereto as herein provided, and said delinquent July taxes need not be certified to the county clerk before being spread upon the December tax roll.

Sewers, powers of board relating to.

SEC. 20. Whenever the board of public works shall construct any sewer upon any street or public highway in said city, said board of public works may at the same time put in and lay all sewer connections running from such sewer to the lands and premises abutting upon such street or public highway or to be served by such sewer and may carry same to the sidewalk line and may also cause such sewer connections to be constructed at such distances apart as to the board of public works may seem best; a statement of the expense of making each such sewer connection shall be made under affidavit by the person in charge of the work, to the board of public works, and such statement shall describe the location of each such sewer connection and the respective owners of such lot, lots, lands and premises shall be liable for the cost thereof and if such cost is not paid within thirty days after such work is completed, then the amount thereof together with ten per cent in addition thereto as a penalty, may be recovered by the city in an action of assumpsit or debt or the council may cause such costs together with the amount of such penalty for which such persons shall be respectively liable, to be reported to the board of special assessors to be levied and assessed by them as a special tax or assessment upon such lot, lots, lands or premises in the same manner as provided in case of special assessments for rebuilding and keeping in repair, sidewalks in such city.

Affidavit of expense, what to describe, etc.

Penalty for non-payment.

Library fund, how disbursed, etc.

SEC. 21. The city treasurer shall keep the library fund separate from the other funds and shall pay out the same upon the orders of the library board properly certified and the accounts thus audited by the library board need not be audited and allowed by the council; also the fiscal year for the library shall begin the first day of July.

Act governing.

SEC. 22. Except as provided in this act and the amendments thereto, the said city of Benton Harbor shall be subject to the provisions of act number two hundred fifteen of the public acts of the State of Michigan for the year A. D. eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class" and all amendments thereto.

This act is ordered to take immediate effect.

Approved June 16, 1905.

[No. 662.]

AN ACT to authorize surety companies to become surety upon, and authorize and empower the common council of the city of Midland in the county of Midland to accept surety companies as sureties upon all bonds given in said city under act number three hundred thirteen of the public acts of eighteen hundred eighty-seven and amendments thereto.

The People of the State of Michigan enact:

SECTION 1. Surety companies may become surety upon and the common council of the city of Midland, in the county of Midland, is hereby authorized and empowered to accept surety companies authorized to do business in this State, as surety upon all bonds given in said city under and by virtue of act number three hundred thirteen of the public acts of eighteen hundred eighty-seven and amendments thereto.

City may
accept surety
companies
as surety.

This act is ordered to take immediate effect.

Approved June 17, 1905.

[No. 663.]

AN ACT to prohibit the maintenance of saloons or other places of entertainment in which intoxicating liquors are sold, and to prohibit the sale or giving away of intoxicating liquors within one hundred rods of any public school within the county of Berrien; the provisions of the act not to apply to incorporated cities and villages, nor to druggists who sell for chemical, scientific, medicinal, mechanical or sacramental purposes only.

The People of the State of Michigan enact:

SECTION 1. It shall not be lawful to establish or maintain a saloon or other place of entertainment in which either spirituous, intoxicating, malt, brewed or fermented liquors are sold or kept for sale, nor to give away or dispose of any such liquors, within one hundred rods of any public school, within the county of Berrien. The provisions of this act shall not apply to cities and villages regularly incorporated under any law of this State, nor to druggists who sell liquors for chemical, scientific, medicinal, mechanical or sacramental purposes only.

Where
unlawful to
establish.

SEC. 2. If any person shall by himself, clerk, agent or servant, violate any of the provisions of this act, he shall

Misdemeanor,
what deemed.

Penalty. be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars and the costs of prosecution, and be imprisoned in the county jail for not less than ten days and more than sixty days, in the discretion of the court, and in such case, if the fine and costs shall not be paid at the time such imprisonment expires, the person serving such sentence shall be further detained in jail

Proviso. until such fine and costs are fully paid: Provided, That in no case the whole term of imprisonment shall exceed ninety days.

This act as ordered to take immediate effect.

Approved June 17, 1905.

[No. 664.]

AN ACT to provide for the payment of salaries to the prosecuting attorney, clerk, treasurer, probate clerk and circuit court commissioner of Livingston county, Michigan, to fix the minimum amounts of such salaries and to repeal all acts or parts of acts contravening the provisions of this act.

The People of the State of Michigan enact:

Salaries of officers.

SECTION 1. The board of supervisors of Livingston county, Michigan, is hereby empowered to pay the prosecuting attorney, clerk, treasurer, probate clerk and circuit court commissioner out of the county treasury such annual salaries as the board of supervisors may determine as hereinafter provided. Such salaries shall be fixed and determined by said board at the first meeting of the board in the year in which the election of said officers shall take place, and every two years thereafter prior to the commencement of the terms of said officers: Provided, That the salaries shall not be less than the sum of one thousand dollars for the prosecuting attorney, one thousand dollars for the county clerk, one thousand dollars for the county treasurer, six hundred dollars for the probate clerk and four hundred dollars for the circuit court commissioner, per annum. The salaries aforesaid shall be paid monthly by the county treasurer upon a warrant issued by the county clerk.

When and by whom fixed.

Proviso.

How paid.

Repealing clause.

SEC. 2. All acts or parts of acts contravening any of the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 17, 1905.

[No. 665.]

AN ACT to define the qualifications of the coroners of the county of Wayne, to prescribe their powers and duties, and to fix their compensation.

The People of the State of Michigan enact:

SECTION 1. No person shall hereafter be eligible to serve Eligibility. as coroner within and for the county of Wayne, who shall not be at the time of his election a physician and surgeon, and a graduate of a regularly incorporated medical college, and who shall not have practiced the profession of a physician and surgeon for at least three years.

SEC. 2. Each of the coroners elected and hereafter to be Salary. elected within and for said county of Wayne, shall hereafter receive in full payment for his services as such, the sum of two thousand dollars per year, the same to be paid as the salaries of the other officers within and for said county of Wayne are paid.

SEC. 3. All fees hereafter taxed and collected by said Fees paid to county treasurer. coroners, or their assistants, or clerks, for them, shall be paid over to the county treasurer on the last day of every month, and the same shall be for the use of said county of Wayne and placed to the credit of the general fund. Such Certified statement. payments shall in all cases be accompanied by a statement in writing of said officer, of the services rendered and fees collected, and that the same is true in every particular, which statement shall be verified by the oath of the officer making the same that such statement is true.

SEC. 4. Each of said coroners shall have the power to ap- Clerk, salary, term of office. point one clerk, whose salary shall be one thousand dollars per annum, and shall be paid the same as the salaries of other county employees, who shall act under the direction of the coroner appointing him, and who shall hold office during the pleasure of said appointing coroner, but whose term of office in all cases shall expire at the expiration of the term of office of said appointing coroner.

SEC. 5. If either of said coroners shall fail to comply Misdemeanor, what deemed. with the provisions of this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in Penalty. the sum of not exceeding five hundred dollars or imprisonment in the county jail not exceeding six months.

SEC. 6. All acts or parts of acts inconsistent with the Acts repealed. provisions of this act are hereby repealed.

Approved June 17, 1905.

[No. 666.]

AN ACT to vacate the township school district of the township of Atkinson and to attach to the township school district "The public schools of Iron River," in the county of Iron, the territory embraced within the school district of the former township of Atkinson in said county, and to transfer to said township school district "The public schools of Iron River" all the property rights and liabilities formerly held or possessed by the school district of the former township of Atkinson.

The People of the State of Michigan enact:

Territory
attached.

SECTION 1. The territory embraced within the school district in the former township of Atkinson, Iron county, now disorganized and annexed to the township of Iron River in said county, is hereby attached to and made a part of the township school district "The public schools of Iron River," subject in every respect to all the terms and provisions of the act governing the school district "The public schools of Iron River," and the school district of the former township of Atkinson is hereby vacated and disorganized.

Property, etc.,
transferred.

SEC. 2. All school property real and personal within the limits of the former township of Atkinson shall be and become the property of the school district "The public schools of Iron River." All debts and liabilities of the school district embraced within the limits of the former township of Atkinson shall be the debts and liabilities of the school district "The public schools of Iron River." And the said school district "The public schools of Iron River" shall assume and pay all the just debts and liabilities of the former school district of the former township of Atkinson.

School board,
members of.

SEC. 3. The members of the present board of the school district "The public schools of Iron River" shall constitute and remain the board of said school district "The public schools of Iron River," after the annexation of the territory embraced within the former township of Atkinson, with all the powers and authority held and exercised by them under the law governing "The public schools of Iron River," until their respective offices shall have expired according to law. All books, records, papers and other property shall be turned over to the school district board of "The public schools of Iron River" at the time this act goes into effect, by any person or persons having possession of any of said mentioned property.

Records, etc.,
transferred.

This act is ordered to take effect March one, nineteen hundred six.

Approved June 17, 1905.

[No. 667.]

AN ACT to detach certain territory formerly embraced in the school district "The Public Schools of Iron River," in the county of Iron, and to attach the same to school district "The Public Schools of Stambaugh," in said county.

The People of the State of Michigan enact:

SECTION 1. All the territory embraced within the district known as townships forty-four and forty-five north, range thirty-seven west of the Michigan meridian in Michigan, formerly a part of school district "The public schools of Iron River," in Iron county, is hereby detached from the school district "The public schools of Iron River," and attached to and made a part of the school district "The public schools of Stambaugh," in said county, and subject in every respect to all the terms and provisions of the law governing the public schools of Stambaugh. Territory detached.

SEC. 2. The officers of the present school district "The public schools of Stambaugh" shall constitute and remain the officers of said school district after the annexation of territory described in section one of this act, with all the powers and authority held and exercised by them under the provisions of law governing the public schools of the said township, until their respective offices shall have expired according to law. Officers, powers of.

This act is ordered to take effect April one, nineteen hundred six.

Approved June 17, 1905.

[No. 668.]

AN ACT relative to the conversion of the so-called West Side Big Ditch in the city of Grand Rapids into a sewer, and its improvement and extension, to authorize the said city to borrow not to exceed one hundred twenty thousand dollars and issue bonds therefor for said purpose and the levy and collection of taxes to meet the same.

The People of the State of Michigan enact:

SECTION 1. For the purpose of meeting the expense of improving and covering the so-called West Side Big Ditch and converting the said West Side Big Ditch into a sewer along its present location, and extending the same southerly to Grand river as an open sewer, or otherwise, in anticipation of the collection of assessments and taxes to defray the ex- Authority to borrow money.

pense and cost thereof, the common council may by a majority vote, by resolution, authorize and direct the mayor, comptroller and clerk of the city of Grand Rapids, to borrow a sum not exceeding one hundred twenty thousand dollars for such purpose, and to issue the bonds of said city therefor, bearing interest at a rate not exceeding four per cent per annum with interest coupons attached, which said bonds shall be signed by the mayor and countersigned by the comptroller of said city, and sealed by the clerk of said city with the seal of said city. Said bonds shall be made payable in equal amounts each year, for a period not exceeding ten years from the date of issue, as the common council may direct. The said bonds shall be endorsed, "West Side Big Ditch Bonds" and shall be lettered or numbered by the city clerk consecutively. Said bonds shall not be sold for less than par, and shall be payable at the office of the city treasurer and by him placed to the credit of the "West Side Big Ditch Bond and Interest Fund." All such bonds shall be paid at maturity and cancelled and shall not be reissued or refunded.

Bond issue.

How payable.

How endorsed, etc.

Property owners, how assessed.

SEC. 2. If the common council shall by resolution determine that the whole or any part of the said improvement shall be defrayed by an assessment upon the owners of real estate to be benefited by said improvement, after having ascertained the estimated expense of said improvement it shall declare by an entry in its minutes which proportion thereof shall be assessed to such owner specifying the whole sum to be assessed and the portion of the city which it deems benefited by such improvement. The costs and expense of making the estimates, plans and assessments incidental thereto, shall be included in the expense of such improvement.

Act governing.

SEC. 3. All the provisions of title six of an act to revise the charter of the city of Grand Rapids approved June sixth, nineteen hundred five, relative to the streets and public improvements and relative to ascertaining the cost, ordering improvements and assessing the cost of making assessment rolls and street improvements, shall be applicable to the ascertainment of the cost of the West Side Big Ditch improvement, to be paid for by the proceeds of the West Side Big Ditch bonds and the assessment of said cost or such portion of such cost as the common council may determine by a majority vote on the real estate deemed to be benefited thereby. Said assessment roll shall be subject to appeal therefrom to the common council by any of the parties assessed therein and shall be subject to ratification and confirmation by the common council and shall be final and conclusive as in other cases of public improvements under the provisions of said title six, and shall be a lien upon the premises from the date of such confirmation; all unpaid installments of the assessments in said assessment roll for said improvement, provided for in this act, shall bear interest at the rate of five per cent per annum from the time of the confirmation of said assess-

Assessment roll subject to appeal.

Property lien.

ment roll by the common council. The board of assessors of said city shall divide each assessment contained in said roll into as many equal parts as the common council shall direct; said assessment roll shall be attested by the city clerk under the seal of said city, and be deposited with the city treasurer, and substantially a copy thereof certified by said clerk with the comptroller and retained in his office. On or by the last Saturday in March each year the city treasurer shall certify to the common council any additional amount not collected in on the special roll made for such improvement to meet the balance of the West Side Big Ditch bonded indebtedness of this city maturing in the year following the fifteenth day of August next ensuing and annual interest on all West Side Big Ditch bonds maturing within that time, which amounts the said common council shall include in the next annual budget and order spread on the annual tax rolls, and which shall be spread thereon in the West Side Big Ditch bond and interest fund column thereof upon all the real and personal property of the city liable to taxation for general city purposes, and such taxes when so assessed shall become a lien upon the real estate assessed the same as any other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of the said city, and for the non-payment thereof, the premises and property assessed may be sold in the same manner as for the non-payment of the said annual tax, and such taxes when so collected shall be placed to the credit of the West Side Big Ditch bond and interest fund, and shall be applied to the payment of the principal and interest of said bonds as they shall fall due, and for no other purpose: Provided, That any money so collected on the general assessment roll of the city shall be repaid from any collection on the special assessment roll made for said improvement: And provided further, That if any surplus money collected for such improvement remains after the payment of all said bonds and interest, the same shall be transferred to the general fund. The first installment of said assessments to defray the expense of such improvement under the provisions of this act shall be collected as assessments for other public improvements under the provisions of title six of the present charter of the city of Grand Rapids, known as the revised charter of the city of Grand Rapids, approved June sixth, nineteen hundred five, and such assessments shall become due when the assessment roll containing the same shall be placed in the hands of the city treasurer, and all the provisions of title six shall be applicable thereto and in case of non-payment of said installments, or any installment on said assessment roll, the premises upon which the same is assessed shall be returned and sold for non-payment thereof as in other cases of assessments for public improve-

Assessments,
how divided,
etc.

Uncollected
amounts,
where placed
on tax rolls,

Lien upon
real estate.

Non-pay-
ment, etc.

Proviso.

Further
proviso.

First assess-
ments, how
collected.

When due.

Fund credited.	ments under the provisions of said title and with the same force and effect. Said installments when collected shall be placed by the city treasurer to the credit of the West Side Big Ditch bond and interest fund. The other installments of the said assessment shall be due and payable as follows: The first in one year, the second in two years, the third in three years, the fourth in four years, the fifth in five years, the sixth in six years, the seventh in seven years, the eighth in eight years, the ninth in nine years, and as the common council shall have provided, next after the date of the confirmation by the common council of the assessment roll containing the same with interest annually at the rate of five per cent per annum: Provided, however, That said assessments, with interest thereon up to the time of payment at the rate aforesaid, may be paid to the city treasurer at any time after the confirmation aforesaid of the assessment roll containing the same, and if not paid when due, seven per cent shall be added thereto and collected thereon with the said assessments. Said bonds or any of the avails thereof shall be used only in defraying the expense of the said improvement for which they were issued except in the case of surplus after the payment of said bonds and interest thereon.
Other assessments, when due.	The powers herein granted relative to the issue of the West Side Big Ditch bonds shall be construed to be permissive, and their exercise within the discretion of the common council, and if the common council shall not order the same to be issued or if issued shall be unable to negotiate the same under the provisions of this act, then and in such case the expense of the West Side Big Ditch improvement shall be defrayed, provided for and raised in the same manner as the expense of other public improvements under the provisions of title six aforesaid, as though no authority had been given to issue such bonds: Provided further, That all provisions of title six of the revised charter of the city of Grand Rapids, approved June sixth, nineteen hundred five, as amended, relative to streets and public improvements, so far as the same does not conflict with this act or not inconsistent with this act, shall apply and govern said West Side Big Ditch improvement, and be construed in conjunction with this act.
Proviso.	SEC. 4. All acts or parts of acts inconsistent with this act are hereby repealed.
Permissive powers, etc.	This act is ordered to take immediate effect.
Proviso.	Approved June 20, 1905.
Repealing clause.	

[No. 669.]

AN ACT to authorize the consolidation of street railway, electric light and gas light companies or any two thereof in the county of Manistee.

The People of the State of Michigan enact:

SECTION 1. Any company organized under or in accordance with chapter one hundred sixty-eight of the compiled laws of eighteen hundred ninety-seven, entitled "Street Railway Companies," as amended, and any company organized under or in accordance with chapter one hundred ninety of said compiled laws, entitled "Gas Light Companies" as amended, and any company organized under or in accordance with chapter one hundred ninety-one of said compiled laws entitled "Electric Light Companies," as amended, whose plant and property is located in the county of Manistee, or any two thereof, may consolidate, each with the other or others, where such companies are organized, in operation, and located, and carry on business in the same or adjacent towns, cities or villages, in said county, and may form a single corporation; and for this purpose the directors of said three corporations, or any two of said corporations, may enter into an agreement under the corporate seal of each, for the consolidation of said three corporations, or any two thereof, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the purpose for which it is formed, the amount of the capital stock of the new corporation, which shall not exceed the combined capital stock of the corporations so consolidating, the city or village in which the office for the transaction of its business shall be located, and the towns, cities or villages where its business is to be carried on, the term of existence of said corporation, which shall not exceed thirty years, the number of directors thereof, and the names of those who shall be the first directors, which shall be deemed and taken to be the first election of the directors of the consolidated company, which number shall not be less than three, nor more than thirteen, the time and place of holding the first election of directors after the consolidation, which time shall not exceed six months after such consolidation has been sanctioned by the stockholders of said three corporations, or any two thereof so consolidating, as herein-after provided, the number of shares of capital stock in the new corporation, the amount of each share, which shall not exceed one hundred dollars per share, the manner of converting the shares of capital stock in each of said three corporations, or any two thereof, into shares in such new corporation, with such other details as they shall deem necessary to perfect such consolidation of said corporations, and such new corporation shall possess all the powers, rights

What companies may consolidate.

Directors may make agreement.

What to contain.

Corporations, powers of.

Agreement, how approved.	<p>and franchises conferred upon such three corporations, or any two thereof, so consolidated, and shall be subject to all the restrictions, and perform all the duties imposed by the provisions of their respective charters or laws of organization not inconsistent with the provisions of this act. Such agreement of the directors shall not be deemed to be the agreement of the said three corporations or any two thereof, so consolidating, until approved by a vote of three-fourths of the outstanding stock of each company, passed at an annual meeting of stockholders or at a special meeting of stockholders called for the purpose of considering the same, and when such agreement of the directors has been so sanctioned by the stockholders, in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said three corporations, or any two thereof, so consolidating. A copy of said contract or consolidation agreement, filed in pursuance of this act with the Secretary of State, and certified by him to be a copy, shall in all courts and places be presumptive evidence of the consolidation of said three companies, or any two thereof, so consolidating, and of all the facts therein stated.</p>
Certified copy to be evidence, etc.	
Merging of companies, after filing of agreement.	<p>SEC. 2. Upon making the agreement mentioned in the preceding section in the manner required therein, and filing a duplicate thereof in the office of the Secretary of State, the said three corporations, or any two thereof, mentioned or referred to in said section, shall be merged into the new corporation provided for in such agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein.</p>
Rights, fran- chises, etc., transferred.	<p>And all and singular, the rights and franchises of each and all of said three corporations, or any two thereof, so consolidating, parties to such agreement, and all and singular, their rights and interests in and to every species of property and things in action, shall be deemed to be transferred to and vested in such new corporation, without any other deed or transfer, and such new corporation shall hold and enjoy the same, together with all other rights of property, in the same manner and to the same intent, as if the said three corporations, or any two thereof, so consolidating, parties to such agreement, should have continued to retain the title and transact the business of such corporations; and the titles to the real estate acquired by any of said three corporations, or any two thereof, so consolidating, shall not be deemed to revert or be impaired by means of anything in this act contained: Provided, That all rights of creditors, and all other liens upon the property of any of said corporations, parties to the said agreement, shall be and hereby are preserved unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same: And provided further, That all the debts, liabilities and duties, of any or all of said companies shall thenceforth attach to</p>
Titles, etc.	
Proviso.	
Further proviso.	

such new corporation and may be enforced against the same, to the same extent and in the same manner as if such debts, liabilities and duties had been originally incurred by it: And provided further, That nothing in this act shall be construed as giving to any railway company, gas light company or electric light company, consolidated hereunder, any rights or privileges not possessed by such companies respectively prior to such consolidation.

Further
proviso.

Approved June 20, 1905.

[No. 670.]

AN ACT to amend chapter seven of the charter of the city of Detroit, by adding thereto a new section to authorize said city to issue bonds for the purpose of providing for the collecting, transporting, conveying and handling of garbage, and of all animal and vegetable matter and refuse, and to provide for the purchasing or leasing of a site for a garbage plant, said section to be known as section sixty-seven.

The People of the State of Michigan enact:

SECTION 1. Chapter seven of the charter of the city of Detroit is hereby amended by adding thereto a new section to be known as section sixty-seven, to read as follows:

Chapter
amended.

Sec. 67. The common council is also empowered to enact and provide for the collecting, transporting, conveying and handling of garbage and of all animal and vegetable matter and refuse in said city, and is hereby empowered and authorized to issue bonds on the faith and credit of the city of Detroit for the construction, operation and maintenance of a garbage and refuse plant, and to take all necessary steps to regulate the same and to provide for the sale and distribution of whatever by-products may be obtained from the operation and maintenance of said garbage and refuse plant. And, in the discretion of the common council, the city is hereby authorized to purchase or lease land outside the limits of said city and maintain and operate said plant on the same, or to lease or purchase any plant already established. The amount of such bonds shall not exceed one hundred thousand dollars and shall require the approval of the common council and the board of estimates before issuance thereof.

Powers of
council.

Issue bonds.

Amount of.

This act is ordered to take immediate effect.

Approved June 20, 1905.

[No. 671.]

AN ACT to amend sections six, seven, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-six of act number four hundred nineteen of the local acts of Michigan for the year eighteen hundred ninety-nine, entitled "An act to establish a county road system in the county of Saginaw, and to provide the money therefor," approved May seventeen, eighteen hundred ninety-nine, as amended by act number three hundred thirty-five of the local acts of Michigan for the year nineteen hundred one, approved March nineteen, nineteen hundred one, entitled "An act to amend sections six, eight, twenty-four and twenty-nine, and repeal sections thirty and thirty-one of an act, entitled 'An act to establish a county road system in the county of Saginaw, and provide the money therefor,' being act number four hundred nineteen of the local acts of eighteen hundred ninety-nine, approved May seventeen, eighteen hundred ninety-nine," and to add thereto five new sections to stand as sections thirty, thirty-one, thirty-two, thirty-three and thirty-four.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Sections six, seven, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-six of act number four hundred nineteen of the local acts of Michigan for the year eighteen hundred ninety-nine, entitled "An act to establish a county road system in the county of Saginaw, and to provide the money therefor," approved May seventeen, eighteen hundred ninety-nine, as amended by act number three hundred thirty-five of the local acts of Michigan for the year nineteen hundred one, approved March nineteen, nineteen hundred one, entitled "An act to amend sections six, eight, twenty-four and twenty-nine, and repeal sections thirty and thirty-one of an act, entitled 'An act to establish a county road system in the county of Saginaw, and to provide the money therefor,' being act number four hundred nineteen of the local acts of eighteen hundred ninety-nine, approved May seventeen, eighteen hundred ninety-nine," are hereby amended and five new sections are hereby added thereto to stand as sections thirty, thirty-one, thirty-two, thirty-three, and thirty-four, said amended sections and said added sections to read as follows:

Supervisors,
powers of.

SEC. 6. After the county road system has been adopted the board of supervisors may lay out or cause to be laid out such new roads in the county as they deem necessary, may widen or straighten any road over which they have jurisdiction, and may declare any road or any part thereof pre-

viously laid out a county road and take charge of, improve and maintain it as such: Provided, That no highway shall be declared a county road unless a majority in acreage of the owners or persons occupying as owners on the line of said highway shall petition that the same be made a county road: And provided further, That the board of supervisors may declare any highway a county road, whether petitioned for or not by a two-thirds vote of all the members elect of said board. The board shall give each county road a name by which it shall be known in all proceedings. Before entering upon the improvement of any county road the county road commissioner shall determine what part thereof he can actually improve, within the time and with funds at his disposal. And he shall, before entering upon the work of improving the same, give notice in writing to the township commissioner of highways, in which he shall specify the precise part in length of the road which he intends to improve. Said notice shall be served by delivering it to the highway commissioner personally, or by leaving it at his usual place of residence with some person of suitable age and discretion. Proof by affidavit of the service of such notice shall be forthwith filed with the county clerk and shall be prima facie evidence of the facts stated therein in all suits and proceedings. No work toward the improvement of such road shall be done by the county road commissioner until after such notice has been given, and until such notice is given the county authorities shall not enter upon or interfere with that part of the highway, which shall remain a township road for the purposes of care, repair and maintenance and of liability under the provisions of act number two hundred sixty-four of the public acts of eighteen hundred eighty-seven and the amendments thereof.

Proviso.

Further proviso.

Each road to be named.

Notice, what to specify.

How served.

Proof of service to be prima facie evidence.

Sec. 7. When said board determine to take charge and control of any existing highway, they shall enter their determination in their records, fixing the date when they will assume such charge and control, and the county clerk shall forthwith give notice of such determination and date to the highway commissioner of each township in which said highway or any part of it may be. Proof of the giving of such notice may be made by affidavit by any one knowing the facts, and shall be filed with the county clerk. Such affidavit or the record thereof or a certified copy of said affidavit or record shall be prima facie evidence of its contents. After the notice provided for in the preceding section has been given to the township highway commissioner and the work of improving that part of the road which is specified in such notice is actually commenced by the authorities of the county, the latter shall have sole and exclusive jurisdiction and control of such part of said road and the township or townships within which the same or any part thereof is situated shall be relieved from all responsibility therefor.

Control of highway.

Notice, proof of, etc.

County to have jurisdiction.

Possession
of private
property, etc.

Survey to
be made.

Conveyed to
county.

Petition to
circuit court,
what to con-
tain.

Guardian for
minors, etc.

Order for
hearing, what
to recite.

Publication of.

Notice of.

How served.

Proof of
service, etc.

SEC. 9. Whenever said board of supervisors determine to lay out a county road or to widen or straighten any road under its jurisdiction, and it shall be necessary to take private property therefor, they shall cause a survey of the proposed road and an accurate description of the lands or other property or rights required, to be made, and shall endeavor to obtain from each resident owner, for the purpose, a release of the right of way over his land included in such description, and of any private property or right to be taken or affected. So far as able to agree with persons owning lands, other property or rights, so required, they shall cause the same to be conveyed to the county for road purposes, or released as may be proper.

SEC. 10. Whenever said board shall be unable to agree with any person interested in such land, or other property or rights, or such person shall be unknown or a non-resident of the county, or a minor, or an insane or incompetent person, the board may cause to be presented to the circuit court of the county a petition describing the proposed road and each parcel of land and any other property or right necessary therefor, the title to or release of which they have been unable to acquire, giving the name of each person interested in each parcel of land, or other property or right, so far as known, and praying for the appointment of three commissioners to determine the necessity of such proposed road, the necessity of taking each such land, property or rights, therefor, and to appraise the damages to be paid as compensation therefor. The court shall appoint a guardian ad litem for any minor, insane or incompetent person interested in the proceedings. The guardian shall be a resident of the county. Upon the filing of the petition, the court shall make an order fixing a day for the hearing on such petition which shall be not less than three weeks thereafter. Such order shall recite the names of the persons mentioned in the petition, the description of each parcel of land or other property or right to be taken, and state the purpose of the petition. Such order shall be published once each week for two successive weeks in some newspaper published and circulated in the county, to be designated by the court, and notice thereof shall be served on each person named in the petition interested in such land, other property or rights who resides within the county, and upon each such guardian, at least ten days before the day of hearing. Such service may be made personally or by leaving at the place of residence of the person to be served. Proof of publication and service may be made by affidavit of any person or persons having knowledge of the facts. Such proof shall be filed with the court on the day of hearing, and thereupon the court shall have jurisdiction of the subject matter involved in the proceedings and of the parties interested therein.

SEC. 11. On the day of hearing, the court shall hear the parties and appoint three disinterested persons commissioners whose duty it shall be to determine the necessity of such proposed road and the necessity for taking the land, other property or rights, described in the petition for the use and benefit of the public therefor, and if they shall decide that it is necessary, then to appraise the damages to be paid as compensation for the taking of such land, other property or rights, therefor. The commissioners shall be sworn faithfully to discharge their duty. The court shall fix the time and place for the first meeting of such commissioners and require their attendance; it may also authorize the commissioners to adjourn their meeting from time to time not later than a day to be named, and shall fix the time for filing the report of such commissioners.

Court to appoint commissioners.

Time and place of meeting.

SEC. 12. The commissioners shall meet at the time and place ordered by the court. If all do not then appear, a less number may adjourn to a time certain, but no adjournment shall be made to a day later than the time allowed by the court. Such adjournments shall be publicly announced. The court or the clerk thereof may issue writ of subpoena to compel the attendance of witnesses before the court or before the said commissioners. Either one of such commissioners may administer oaths to witnesses. The commissioners, at the time fixed by the court or at the time fixed by adjournment, shall view the premises described in the petition and hear the proofs and allegations of the parties, and render their decision in the premises. They shall report such decision in writing, signed by them or by a majority of them, at the time fixed for that purpose. If their decision is that the road is unnecessary, no further proceedings for the establishment of such road shall be taken for one year thereafter; if the decision is that the proposed road is necessary and that such lands, other property or rights, are necessary to be taken therefor, they shall appraise the damages to be paid as compensation to each person interested, for such land, property or rights.

Adjournments, etc.

Subpoena witnesses, administer oaths, etc.

Premises viewed.

Decision to be reported in writing.

Damages appraised.

SEC. 13. The court may at the time of the filing of the report, or at such other time to which it may adjourn the proceedings, confirm said report or, on cause shown, set aside the report and refer it back to such commissioners or appoint other commissioners to retry the questions involved, whereupon such proceedings shall be had as are hereinbefore provided for. The court may permit the amendment of any petition, affidavit, order, report or proceeding filed or had in the premises in such manner as shall be just and proper; it may fill any vacancy that shall occur among the commissioners; it may permit a defective proceeding to be set aside and other proceedings in compliance with law to be had in place thereof; it may adjourn such proceedings or any part thereof from time to time, and may make all such

Court may affirm or set aside decision.

Powers of court.

orders in the premises as may be just and proper to further and accomplish the purpose thereof.

Damages,
how paid.

Certificate of
award, etc.

To be prima
facie evidence.

Compensation
of commis-
sioners.

Supervisors,
powers of.

Action may
be taken.

Money re-
covered, where
credited.

SEC. 14. After the court shall confirm the report of the commissioners, it shall enter an order authorizing the board of supervisors to pay the several sums awarded for damages, and the board shall pay the same accordingly. Such payment shall be made in money to the several persons entitled thereto, and if refused, or if there be no person properly authorized to receive the same, or if the person entitled thereto is unknown, or if the right to such money is in dispute, it shall be deposited as directed by the court and shall be disposed of under the order of the court. Upon filing proof of payment or deposit as ordered, the court shall prepare a certificate under its seal, signed by the judge, reciting briefly the proceedings that have been had, giving the names of the parties interested, describing the lands, other property or rights, taken for such road, the award of damages therefor and the payment or deposit of the money, and deliver the same to the board of supervisors or such depository as they shall designate, and thereupon the title to such land, other property or rights, shall be deemed vested in the county to be used for road purposes only. Such certificate shall be recorded in the book of deeds in the office of the register of deeds. Such certificate or the record thereof or a certified copy of such record shall be prima facie evidence of the facts recited therein and of the title to such lands, other property or rights, in the county and of the right of the county to construct and maintain a road thereon. The court shall fix the compensation of the commissioners, not to exceed three dollars per day and determine the amount of necessary expenses incurred in connection with such proceedings which shall be paid by the county.

SEC. 15. The board of supervisors shall have authority and power to grade, drain, construct, stone, gravel or macadamize any road under control of county authorities or to place thereon any other form of improvement which in their judgment may be best and to extend and enlarge such improvements, and they may construct bridges and culverts and repair and maintain said roads, bridges and culverts. The county road commissioner and the county road committee of the board of supervisors, to consist of three members who shall be appointed by said board, shall have all the authority in respect to such roads which is vested in highway officers of townships relative to encroachments and obstructions thereon and the preservation of bridges, of trees, and the removal of thistles, milk-weeds and other obnoxious weeds. They may authorize and direct action to be brought for injury to any county road or any improvement thereon or to any bridge or culvert under their jurisdiction. Money recovered in such actions shall be paid to the county treasurer and credited to the county road funds of the township in

which such injury occurred: Provided, That the members of the county road committee while performing any duties required by this act or by order of the board of supervisors, shall receive the same per diem and mileage as while attending and serving as members of the board in session. Proviso.

SEC. 16. Whenever the board of supervisors determine to improve any county road or to construct any bridge or culvert, they shall also determine what if any plans and specifications therefor shall be prepared and by whom, and may from time to time adopt such regulations in relation thereto as shall appear to them to be necessary or proper. The board may also determine whether or not such work shall be let by contract; and if they determine that it shall, may also determine whether bids shall be advertised for, the manner and time of the advertisement, and may give the county road commissioner or any of their officers, committees or employes such power and authority in relation thereto as they shall deem proper. Plans and specifications.

Contract work, etc.

SEC. 18. The board of supervisors shall see to it that all county highways, bridges and culverts are kept in safe and proper repair and that the same are kept clear of obstructions and encroachments of thistles, milkweeds and other obnoxious weeds, and may confer upon the county road commissioner of Saginaw county, all the power and authority necessary therefor; and may require any of their employes to give bond with such conditions, in such sum and with such sureties as they shall determine. Highways, bridges, etc., to be kept in repair.

SEC. 19. Said board may also authorize and direct the county road commissioner of Saginaw county, to ascertain the cost, including the cost of the surveys, plans, specifications, preliminary estimates and advertising for bids of the permanent improvement of any road or part of road, by stoning, grading, macadamizing or otherwise, as soon as the same is completed, and to file a verified statement of such costs; also to ascertain the parcels and descriptions of land in the vicinity of the improvement which are specially benefited thereby; to make and file a map or plat of said district, which shall not extend beyond one and one-half miles on either side of the highway improved; and to prepare a special assessment roll which shall contain a description of the several parcels of land within the assessment district, and the amount which each is by him deemed to be specially benefited by the improvement: Provided, That no part of the cost of any bridge or culvert and the approaches thereto, in excess of three hundred dollars shall be included in the special assessment. Such assessment rolls shall be numbered and each shall have endorsed upon it the name of the road, or part of the road, improved: Provided, That no more than one-fourth of the total cost of said improvement shall be spread as a special tax upon any special assessment district. It shall be the duty of the county road commissioner and the members of the county road committee or the majority of Estimated cost of improvements, etc.

Proviso.

Proviso.

Examination of assessment rolls.

	them, to meet at the county clerk's office at ten o'clock a. m. on the first Monday in October in each year and examine all special assessment rolls filed during the year preceding the twentieth of the previous September. At said meeting all persons desiring to make objections to any assessment may be heard and said committee and road commissioner shall report their opinion and recommendations to the board of supervisors during the first three days of the succeeding October session. All objections to such assessments shall be in writing and filed in the office of the county clerk before the first Monday of October. Objections not filed before that date shall be deemed waived. Said road committee and commissioner shall remain in session three days, and such further time as may be required to complete hearings then pending. But such assessment shall not be deemed complete and binding until approved by the board of supervisors.
Objections, when filed.	
Length of session.	
Board of review, powers of.	SEC. 20. The county clerk shall lay before the board of supervisors on the first day of the October session in each year, or as soon thereafter as may be all such rolls as are contemplated by the last preceding section, which have been filed on or before the twentieth day of September preceding said session, and the board shall, during that session or at any session to which they may adjourn, carefully review each of such assessments and may change, modify or correct the same in whole or in part, may change the assessment district, or may approve and ratify the entire assessment without change. And said board shall hear all persons in relation to each assessment who may be interested in any property in said assessment district which is liable to be specially assessed for said improvement. All persons shall be bound to take notice that such hearing, review and assessment will be had and made at such session whether any further notice than the provisions of this act be given or not. The board of supervisors shall designate some weekly or semi-weekly newspaper, published and in general circulation in said county, as the official newspaper of said board, and the county clerk shall, in the first issue of said paper after September twenty in each year, publish a notice of all such proposed assessment rolls as have been filed in his office during the year prior to and including said date and shall repeat the publication in the next issue of said paper, if it is a weekly paper, and in the next two issues of a semi-weekly paper: Provided, That said notice shall be sufficient if it give the name of the road improved and mention in general terms the nature of the improvement. Proof of such publication may be made by affidavit of the printer or publisher of the newspaper in which it is made, or any other person having knowledge of the fact, and shall be filed in the office of the county clerk. Every roll so made, reviewed, ratified and confirmed by said board, shall be final and conclusive, and the assessment so made shall thereupon become, and until paid shall, with the interest thereon, remain a lien
Hearing.	
Official newspaper of board.	
Publication of notice.	
Proviso.	
Proof of publication.	

upon the lands assessed. Special assessment rolls, when completed, shall be filed in the office of the county clerk, and a duplicate thereof shall be filed with the county treasurer. A duplicate of said roll shall be delivered to the supervisor of each township in which any of said lands are specially assessed. Such duplicate roll shall be made as provided in section nineteen of this act.

Assessment rolls, where filed.

Duplicates, to whom delivered.

SEC. 21. The provisions of the general tax laws of the State as to collection fees to be paid township treasurers shall apply to such parts of any special assessment as shall be carried into the township assessment roll.

General tax laws to govern collection fees.

SEC. 22. The owner of, or any person interested in, any parcel of land thus specially assessed, or of any undivided part or interest, may pay the assessment upon said land or said undivided part or interest, to the county treasurer at any time after the assessment roll shall be completed and filed with the county clerk, and a duplicate thereof filed with the county treasurer, and said treasurer shall give him duplicate receipts therefor and minute the same as paid upon his duplicate roll. The county treasurer shall also file with the county clerk a certificate showing said payment and the clerk shall minute the fact upon the assessment roll opposite the description of land, and thereafter no part of the assessment so paid shall be carried into the township assessment roll. And the county clerk shall forthwith notify the supervisor of the township of the fact of such payment.

When assessment may be paid.

Treasurer to file certificate with clerk.

SEC. 23. If any part of such special assessment shall have been carried into the township roll, as provided in this act, before such payment to the county treasurer, the person paying the same may file one of the duplicate receipts received from the county treasurer with the township clerk, who shall immediately report the same in writing to the supervisor, if the township tax roll be in his hands, and to the township treasurer if the roll be in his; and the officer in possession of the township tax roll shall thereupon minute the fact of such payment upon the roll opposite the description of land.

When parts of assessments have been carried to township roll.

SEC. 24. The board of supervisors shall divide each special assessment when completed into five equal parts, and shall order one of those parts to be entered upon the assessment roll of the township for the current year in a column to be headed "Special county road tax," and each year thereafter until the whole of said tax has been carried into the township roll, or paid, the board of supervisors shall order one-fifth of the whole of said assessment to be entered upon the assessment roll of the township in the manner aforesaid. It shall be the duty of the county clerk to lay before the board of supervisors at its October session in each year a statement of all uncollected special county road taxes. And all the provisions of the general tax laws of the State relative to the collection and return of State and county taxes and to the sale of property returned delinquent for such taxes

Special assessments, how divided, etc.

Annual statement of uncollected taxes.

General tax laws to govern.

Rate of
interest.

shall apply in the case of such special assessments. And interest and collection fee on delinquent special county road taxes shall be computed at the same rate and from the same date, and shall be collected in the same manner as on other delinquent taxes generally.

County to
keep roads in
repair, etc.

SEC. 26. It is hereby made the duty of said county to keep in reasonable repair, so that they shall be reasonably safe and fit for public travel, all county roads which county authorities have taken charge of for improvement as provided in sections six and seven of this act and all bridges and culverts that are within its jurisdiction and under its care and control. The provision of law respecting the liability of townships, cities, villages and corporations for damages for injuries resulting from a failure in the performance of the same duty respecting roads, bridges and culverts under their control, shall apply to said county after adopting such county road system. In actions arising thereunder service shall be made upon the chairman of the board of supervisors or the county clerk of the county which shall be named in the process as the "County of Saginaw," and any judgment obtained thereon against such county shall be audited and paid as are other claims against such county.

Liability for
damages, what
to govern.

Service, upon
whom made.

"Persons,"
what construed
to mean.

SEC. 30. Whenever the word "person" or "persons" is used in this act it shall be construed to mean co-partnerships, corporations, associations and joint owners, as well as natural persons. And whenever it is necessary to serve any process or notice under this act upon any corporation, the same may be served upon the president, vice president, secretary, treasurer, cashier or other principal officer or upon any agent of such corporation.

Notice, upon
whom served.

Road com-
missioner,
when elected.

SEC. 31. At the regular biennial election to be held on the Tuesday succeeding the first Monday of November in the year nineteen hundred six, and each two years thereafter, there shall be chosen in the county of Saginaw by the qualified electors thereof, on the same ticket as the other county officers, a county road commissioner of Saginaw county, whose term of office shall begin on the first day of January following his election and continue for two years and until his successor is elected and qualified. Before entering upon the duties of his office said county road commissioner shall take and file with the county clerk of Saginaw county, the constitutional oath of office and shall also file with said county clerk a bond in the penal sum of five thousand dollars, with at least two sureties, conditioned for the faithful performance of the duties of his office, which said bond and the sureties thereon, shall, before filing, be approved by the board of auditors of said county. All ballots cast for county road commissioner under this act shall be canvassed, returned and the result declared in the same manner as now prescribed by law for canvassing, returning and declaring the result of votes cast for

Term of office.

Oath.

File bond.

By whom
approved.

Canvass of
votes.

other county officers at said election. And it shall be the duty of the county clerk to make report to the Secretary of State of the election and qualification of said county road commissioner as a part of his report of the election and qualification of the other county officers. In case of a vacancy in the office of county road commissioner caused either by resignation, removal from the county, death or otherwise, it shall be the duty of the county clerk, county treasurer and probate judge of the county to fill such vacancy by appointment under their hands and seals, which said appointment shall be filed in the office of the county clerk of said county. Such appointee shall take, subscribe and file the constitutional oath of office and give bond as required in this act and shall hold his office until the next general election or until his successor shall be elected and qualified as herein provided.

Report to
secretary of
state.

Vacancy, how
filled, etc.

SEC. 32. The county road commissioner of Saginaw county elected under the terms and provisions of this act shall receive an annual salary of fifteen hundred dollars per annum, to be paid monthly out of the general funds of said county, which said salary shall be in full compensation for all services required and performed by him: Provided, however, That said commissioner shall be allowed in addition thereto his reasonable expenses, by him paid or incurred in and about the discharge of his duties as such commissioner.

Salary

Proviso.

SEC. 33. Said county road commissioner shall have general superintendence of the work of making any and all of the improvements contemplated by this act, and shall perform such duties as are required of him by law or by the orders and directions of the board of supervisors, made, declared and given to him by said board in pursuance of the authority conferred upon them by this act, and shall be at all times under their direction and control.

Duties of, etc.

SEC. 34. Within ten days after this act shall take effect there shall be appointed by the Governor of this State a competent and suitable person who is a resident of Saginaw county, to act as county road commissioner of said county. Such person so appointed shall hold the office of county road commissioner of Saginaw county until the first day of January, nineteen hundred seven, and until his successor is elected and qualified. Such person, within ten days after his appointment, shall take and file the constitutional oath of office and give bond in the same manner and for the same sum as herein provided for county road commissioner when elected; and shall, during his incumbency in said office, receive the same salary, perform the same duties and be under the same regulations and restrictions as are herein provided for a county road commissioner when elected under the provisions of this act.

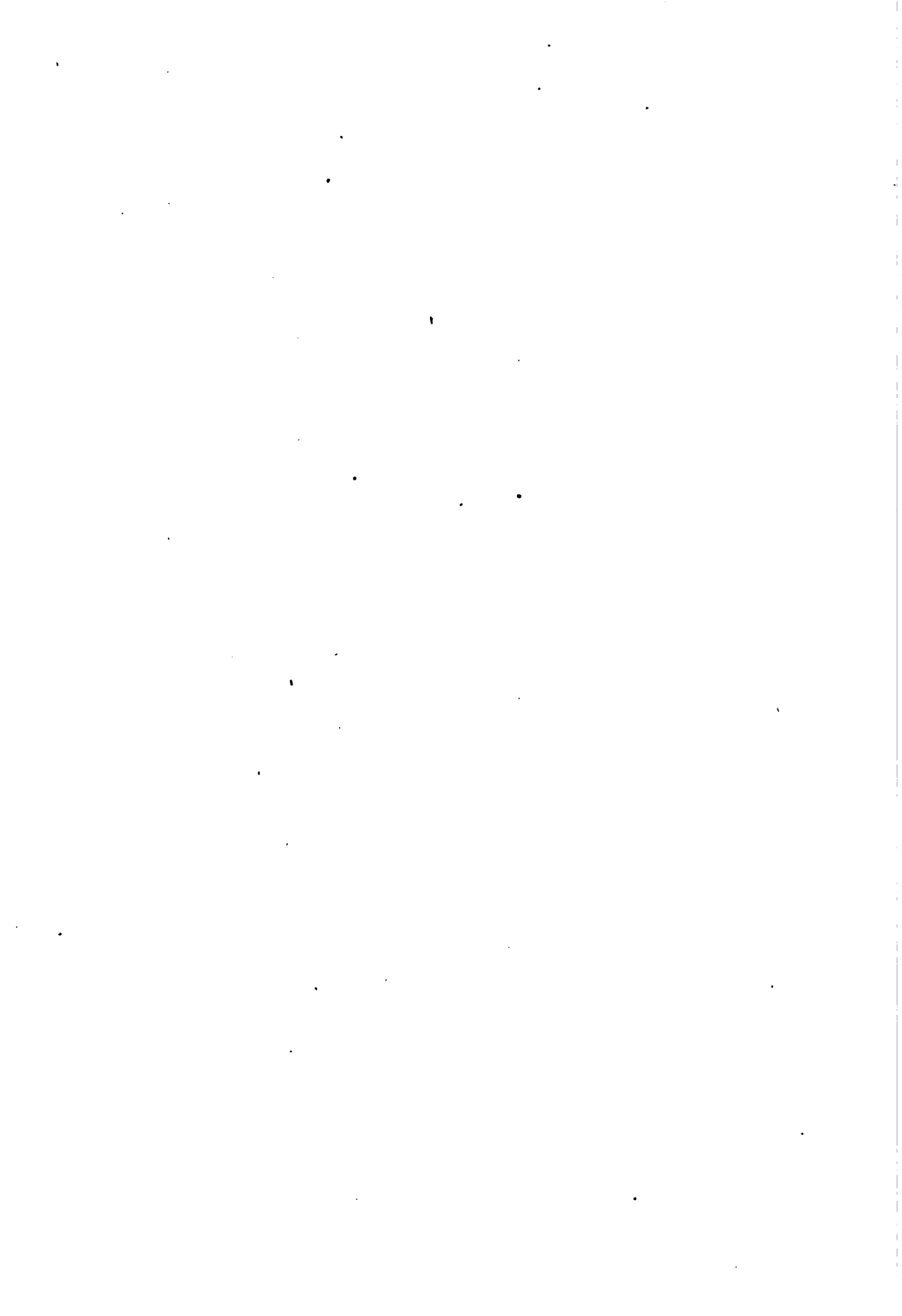
Governor
to appoint.

Term of office.

Oath.

This act is ordered to take immediate effect.

Approved June 20, 1905.



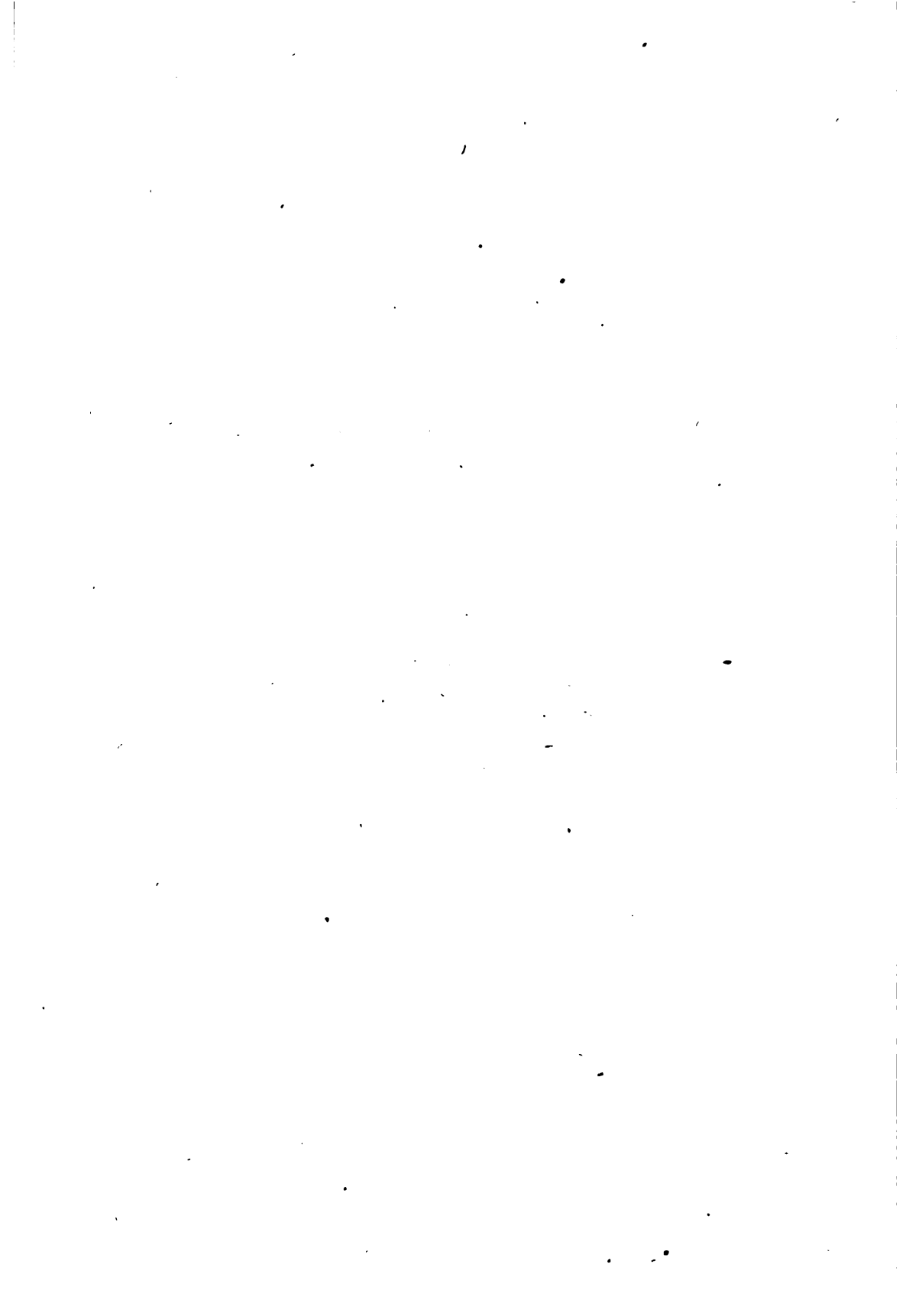
CERTIFICATE.

MICHIGAN
DEPARTMENT OF STATE
LANSING.

I, George A. Prescott, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the legislature of one thousand nine hundred five was on the seventeenth day of June, in the year of our Lord, one thousand nine hundred five.

IN WITNESS WHEREOF I have hereunto affixed my signature
and the great seal of the State, at Lansing, this twenty-
[L. s.] sixth day of July, in the year of our Lord, nineteen
hundred five.

G. A. PRESCOTT,
Secretary of State.



APPENDIX

CONTAINING

Certified Statements of Boards of Supervisors

RELATIVE TO THE

ERECTION AND CHANGE OF BOUNDARIES OF TOWNSHIPS

AND

**PROCEEDINGS RELATIVE TO INCORPORATION OF CITIES
AND VILLAGES.**

TOWNSHIPS.

CHEBOYGAN COUNTY.

In the matter of the application of certain freeholders of the township of Ellis in the county of Cheboygan for detaching certain territory from said township and erecting a new township to be known as the township of Walker.

STATE OF MICHIGAN, }
County of Cheboygan, } ss.

Dec. 31st, 1904.

Board met pursuant to adjournment, called to order by the chairman.
Roll called by the clerk; a quorum present.

Minutes of yesterday's proceedings read and approved.

To the Hon. Board of Supervisors of Cheboygan county, Mich.:

Gentlemen—We, the undersigned, committee on towns and counties, to whom was referred the petition of George Montgomery and twenty-one others, asking that township 34 north, range 1 W., be detached from the township of Ellis and be erected and organized into a new township, respectfully report that we have examined said petition and find it correct, and would recommend that the prayer of the petitioner be granted and that the territory asked to be detached from said township of Ellis be so detached and organized into a new township, to be known as the township of Walker, as asked for in said petition.

WILLIAM PEAKE,
GEORGE MILLER,
CHARLES PAQUIN,

Com. on Towns and Counties.

By Supervisor Bowen:

Mr. Bowen moved that the report of the committee on towns and counties be adopted. The motion prevailed.

WHEREAS, An application has been duly made to the board of supervisors of the county of Cheboygan by George Montgomery and twenty-one others, all of whom are freeholders and residents of the townships to be affected thereby, for the erection and organization of a new township of the territory described to be known as the township of Walker, and the said board having been furnished with a map of the townships to be affected thereby. And it appearing to said board by due proof that notice in writing of such intended application signed by at least

twelve freeholders of the townships to be affected thereby, has been duly posted and published in the manner and during the time required by law, and it also appear to said board that the said application should be granted.

Thereupon it is ordered and determined by said board that the territory described as follows, to-wit: All of township thirty-four (34) north of range one (1) west be and the same is hereby erected and organized into a new township to be called and to be known as the township of Walker. That the first annual meeting therein shall be held at the Montgomery schoolhouse in District No. 3 on the first Monday in April, A. D. 1905, and that Herbert Hutchinson, William Montgomery and William Smith, three electors, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of the State.

Moved and supported that the board of supervisors of Cheboygan county erect and organize the township of Walker according to the prayer of the petitioners.

Yeas and nays were called:

Yeas—Baker, Bowen, Brady, Caswell, Churchill, Eck, Murphy, Miller, McDonald, McPherson, Parks, Peake, Peterson, Shier, Smith, Smith, E. J., Wilson, Vermilya—18.

Nays—None.

STATE OF MICHIGAN, }
County of Cheboygan, }

I, J. L. Barrett, clerk of the circuit court for said county, do hereby certify that the above and foregoing is a true and compared copy of an original record of the action of the board of supervisors of Cheboygan county in erecting and organizing the township of Walker now on record in the office of the clerk of said county and court and the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court at the city of Cheboygan this 27th day of Jan., A. D. 1905.

J. L. BARRETT,
County Clerk.

DELTA COUNTY.

In the matter of the application of certain freeholders, to vacate the township of Sac Bay, and attach the territory thereof to the township of Fairbanks.

At the annual session of the board of supervisors of Delta county, continued and held at the court house in the city of Escanaba, on Friday, the thirteenth day of October, A. D. 1905.

Present—Supervisors Besson, Bonifas, Colburn, Cotton, Darling, Davis, Devet, Elliott, Fuller, Hammerberg, Hoyler, Hutt, Johnson, Jones, Kay, Lancaster, Latimer, Leighton, McDonough, Morrell, Narracong, Peterson, Stromberg, Trombly, Youngquist and Valentine.

Absent—Supervisor McLean.

The minutes of the preceding sessions were read and approved.

An application in writing, signed by twenty-seven freeholders of the township of Fairbanks, and eighteen freeholders of the township of Sac Bay, to vacate said township of Sac Bay and attach the territory thereof to the township of Fairbanks, was presented to the board, accompanied by a map of the townships of Fairbanks and Sac Bay, together with due proof that the notice that said application would be made to the board of supervisors of Delta county, at the next annual meeting of said board, to be held on the ninth day of October, A. D. 1905, signed by at least twelve freeholders of each of the townships to be affected thereby, had been posted up in five of the most public places in the township of Fairbanks, and in five of the most public places in the township of Sac Bay, more than four weeks prior to said meeting of said board, and also duly published in the Escanaba Mirror once in each week for five successive weeks immediately preceding the time of said application.

Whereupon Supervisor Devet offered the following resolution and moved its adoption:

In the matter of the application of certain freeholders, to vacate the township of Sac Bay, and attach the territory thereof to the township of Fairbanks.

WHEREAS, An application has been duly made to the board of supervisors of the county of Delta, State of Michigan, by John Follo, Wm. F. Laux, Christen Follo, Ole Follo, Saiar Dalgord, David Majau, G. W. Kitts, Gerrold Kitts, Joseph Raymond, Dave Duby, John Devet, Fred Barrow, Joseph Clifton, Joe Barbeaur, Martin Kirk, William Watson, Frank H. Collinson, Henry Hink, E. A. Laux, James Watchorn, Wm. P. Watson, Nicholas Thill, Henry Lemke, Joseph Straeten, F. W. Hink, Charles Clifton, Fred Clifton, all of whom are freeholders of the township of Fairbanks, and Amie Rochefort, Sr., Jean M. Lamarbe, J. M. Greene, Charles Arnold, Joseph Arnold, George N. McGregor, John Watchorn, Joseph C. Kee, John Green, Robert M. Brodie, Walter M. Collins, John Champ, John Willson, Lars P. Peterson, Fidel Ronkey, Fred Lemke, Arthur Arbour, Amie Rochefort, Jr., all of whom are freeholders of the township of Sac Bay, to vacate the township of Sac Bay and attach the territory thereof to the township of Fairbanks, and the said board, having been furnished with a map of all of the townships to be affected thereby, and it appearing to the said board by due proof, that notice in writing of such intended application, signed by at least twelve freeholders of each of the townships to be affected, has been duly posted up and published in the manner, and during the time required by law, and it also appearing to the said board upon consideration thereof, that said application ought to be granted,

Thereupon, it is resolved, ordered and determined by the said board,

that the said township of Sac Bay be, and the same is hereby vacated and discontinued, and that all of the territory, now comprising and contained in the said township of Sac Bay, shall be attached and annexed to the township of Fairbanks, so that the said township of Fairbanks shall hereafter contain and embrace all of the territory, now included in the townships of Fairbanks and Sac Bay, and shall bear the name and be known as the township of Fairbanks.

And it is further resolved, ordered and determined, that the consolidation of said townships of Fairbanks and Sac Bay shall take effect and be in force, from and including the first Monday in April, A. D. 1906, and that the annual township election, to be held on the first Monday in April, A. D. 1906, shall be conducted under the supervision and direction of the officers of the township of Fairbanks.

And it is further resolved, ordered and determined, that all property, credits and effects, belonging to the said township of Sac Bay shall, from and including the said first Monday in April, A. D. 1906, be and become the property of the township of Fairbanks, and that the township of Fairbanks shall assume and become liable for all debts and obligations, then existing against the said township of Sac Bay.

Adopted by yeas and nays, two-thirds of all the members elected voting therefor, to-wit:

Yeas—Supervisors Besson, Colburn, Cotton, Darling, Davis, Devet, Fuller, Hammerberg, Hoyler, Hutt, Johnson, Jones, Kay, Lancaster, Latimer, Leighton, McDonough, Morrell, Narracong, Peterson, Stromberg, Trombly, Youngquist, Valentine and the chairman—25.

Nays—None. Not voting—Supervisor Elliott. Absent—Supervisor McLean.

Whereupon, on motion of Supervisor McDonough, the board adjourned until two o'clock this afternoon.

A. P. SMITH,

Clerk.

WILLIAM BONIFAS,
Chairman.

STATE OF MICHIGAN,)
County of Delta.) ss.

I, Alfred P. Smith, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me, from the original record of the proceedings of the board of supervisors of said county, on the thirteenth day of October, A. D. 1905, upon the application of John Follo and John Devet, and others, freeholders of the townships of Fairbanks and Sac Bay of said county, for vacating and discontinuing the township of Sac Bay, and attaching and annexing the same to the township of Fairbanks, now remaining in my office, and of the whole of said original record. And I further certify, that the annexed is a true and correct copy of the map presented to said board on the said application.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and affixed the seal of the circuit court for said county, this second day of December, A. D. 1905.

[L. s.]

ALFRED P. SMITH,
County Clerk.

MARQUETTE COUNTY.

In the matter of the incorporation of the township of Powell.

Marquette, Mich., April 5, 1904.

Hon. Fred M. Warner, Secretary of State, Lansing, Mich.:

Dear Sir—At a meeting of the board of supervisors of Marquette county, Michigan, held on Monday, the 28th day of March, A. D. 1904, the following resolution was adopted by the following yea and nay vote, to wit:

WHEREAS, As appears by proper proofs produced before this board, notice in writing, subscribed by fifty-four freeholders of the townships to be affected, has been posted in five of the most public places of the said affected townships more than four weeks prior to this date, of the intention to make application to this board to erect and provide for the organization of a new township, to be called Big Bay, to embrace the following described territory, to wit: Towns 50 and 51 north of range 26 west of the township of Marquette; towns 50, 51 and 52 north of range 27 west of the township of Ishpeming; towns 50, 51 and 52 north of range 28 west of the township of Champion, and the east $\frac{1}{2}$ of towns 50, 51 and 52 north of range 29 west of the township of Michigamme, in the county of Marquette, and that a copy of said notice has also been published, once in each week, for four successive weeks immediately preceding this date, in the Marquette Mining Journal, a newspaper printed in said county; and a map of all the townships to be affected by said division by the erection of said new township, showing the proposed alterations, has been furnished to this board; therefore be it

Resolved, By the board of supervisors of the county of Marquette, that said towns numbered 50 and 51 north of range 26 west and sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36 in town 50, and entire fractional towns 51 and 52 north of range 27 west, and also towns 51 and 52 north of range 28 west, and also the north $\frac{1}{2}$ of town 51 and entire town 52 north of range 29 west be, and they are, hereby set off from the said townships of Marquette, Ishpeming, Champion and Michigamme respectively, and are hereby erected into a new township, to be known as the township of Powell.

That the first annual township meeting in said township of Powell shall be held at the so-called Big Bay schoolhouse, on section 15 in town 51 north of range 27 west, on the first Monday of May, A. D. 1904, and that Oscar Webster, Charles Burns and John Nesbitt, three electors of said township, are hereby designated to preside at said meeting, open and keep the polls, and exercise the same powers as inspectors of election of any township meeting.

Resolved, That the places for holding the first annual township meetings in the towns from which such new township is taken, be and the same are hereby fixed as follows:

In the township of Marquette at the town hall in town 48 north of range 25 west.

In the township of Ishpeming at the Deer Lake store in township 48 north of range 27 west.

In the township of Champion in the town hall in the village of Champion.

In the township of Michigamme in the town hall in the village of Michigamme.

D. W. POWELL,
Supervisor.

Yeas—Agnew, Ayotte, Allen, Barabe, Campbell, Connors, Elliott, Ewing, Egan, Fay, Frei, Wm. Goodman, Hoyseth, Hodgson, Harper, Johnson, Kemp, Lyons, Powell, Pappin, Roberts, Robbins, Sharon, Jacob Smith, R. T. Smith, McCarthy, Morgan, Mitchell, Nelson, Nord, Shaw, Sundstrom, Stephens, Sink, Sundblad, Trebilcock, Thomas and chairman—Total, 38.

Nays—None.

STATE OF MICHIGAN, }
County of Marquette. } ss.

I, William A. Ross, clerk of the county of Marquette and of the circuit court thereof, the same being a court of record, having a seal, do hereby certify, that the foregoing is a correct transcript, compared by me, from the original record of a resolution adopted by the board of supervisors, March 28, A. D. 1904, now remaining in my office, and of the whole of such original.

[L. S.] IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of said circuit court, at the city of Marquette, in said county, this fifth day of April, nineteen hundred and four.

WM. A. ROSS,
County Clerk and Clerk of the Board of Supervisors.

CITIES AND VILLAGES.

ALLEGAN COUNTY.

In the matter of the petition of the common council of the village of Douglas to alter the corporate limits of said village.

Allegan, Michigan, October 11th, 1904.

The board of supervisors was duly called to order at the hour of nine o'clock by Chairman Button, roll called by the clerk, quorum present.

The journal of yesterday's proceedings read and approved.

The committee on judiciary reported as follows:

To the Board of Supervisors for the county of Allegan:

Your committee, to whom was referred the petition of the council of the village of Douglas, asking for a change in the boundary of said village, your committee would report that they find said petition in compliance with the statute, and that proof of due notice of the hearing of said petition has been given and is filed with said petition.

Your committee would recommend that the prayer of said petition be granted in part, and would offer the following resolution:

Resolved, That the petition of the council of the village of Douglas to have a change in the boundary of said village be granted in part, and that it is hereby ordered and determined by the board of supervisors for the county of Allegan, that the boundaries of the village of Douglas be altered by adding thereto the following described premises: Beginning at the northwest corner of the village of Douglas, being forty rods west of the northwest corner of section sixteen in the township of Saugatuck, county of Allegan and State of Michigan, running thence west on section line between sections eight and seventeen to Lake Michigan, thence southerly along the low water mark of Lake Michigan to a point where the east and west quarter line of section seventeen intersects with Lake Michigan, thence east on said line to the west line of the village of Douglas, being a point forty rods west of the east section line of section seventeen, thence north along the west line of the village of Douglas to place of beginning, being all that part of section seventeen, town three north of range sixteen west, lying west of the village of Douglas, east of Lake Michigan, south of the north section line of section seventeen, and north of the east and west quarter line of said section.

All of which is respectfully submitted.

DANIEL D. HARRIS,
JOHN J. HULST,
A. B. TUCKER.

Supervisor Nichols moved that the report be adopted, motion supported by Supervisor Schermerhorn. After listening to the arguments of Theo. Wade against said report, and Charles R. Wilkes in favor of said report, Supervisor Chamberlain moved as an amendment that the report be laid on the table until Wednesday of the January session, which motion was lost. The chair then put the original motion, which motion was carried.

On motion of Supervisor Slink, the board adjourned until tomorrow morning at nine o'clock.

CHAS. W. BUTTON,
Chairman.
CHANCEY A. BARNES,
Clerk of the Board.

STATE OF MICHIGAN, }
County of Allegan. } ss.

I, Chancey A. Barnes, clerk of the circuit court of said county, which is a court of record, do hereby certify that * * * have compared the foregoing copy of report judiciary committee with the original record thereof now remaining in the office of the circuit court of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
affixed the seal of said court at Allegan, this seventh
[L. s.] day of November, A. D. 1904.

CHANCEY A. BARNES,
County Clerk.

CLINTON COUNTY.

In the matter of the incorporation of the village of St. Johns as a city of the fourth class.

Official proceedings of the village of St. Johns, Clinton county, Michigan. Council rooms. March 17th, 1904, 8 o'clock p. m.

An adjourned regular meeting of the common council was called to order by President E. J. Bullard. Trustees present, C. E. Van Sickle. Noble Burnett, M. F. Washburn, I. T. Horton and Ananias Pouch. Trustee Pouch introduced the following resolution providing for the incorporation of the village of St. Johns into a city of the fourth class, and moved its adoption, and supported by Trustee Washburn:

WHEREAS, At an election held on Monday, the 14th day of March, A. D. 1904, of the electors of the village of St. Johns, Clinton county, Michigan, the question as to whether the said village should be incorporated as a city of the fourth class, under the provisions of act No. 215 of the session laws of 1895 of the State of Michigan, was submitted to a vote of the electors of said village; and

WHEREAS, Said votes have been canvassed by the inspectors of election; and

WHEREAS, It appears from said canvass that the majority of those voting upon the question of such incorporation voted for city incorporation; therefore be it

Resolved, That we, the council of the village of St. Johns, do determine that a majority of all the votes legally cast at the said election upon the question of city incorporation were given for the incorporation; and be it

Further resolved, That in accordance with the said vote, the said village shall be and is incorporated as a city of the fourth class by the name of the "City of St. Johns."

Yeas—C. E. VanSickle, Noble Burnett, M. F. Washburn, I. T. Horton and Ananias Pouch. Nays—None.

We, the president and clerk, respectively, of said village, hereby certify that the foregoing is a true copy of the records of said council of the village of St. Johns and that the foregoing Resolution is a true copy of the Resolution passed by said council on the 17th day of March, 1904.

[L. s.]

E. J. BULLARD, [L. s.]
President.
S. M. STILSON, [L. s.]
Village Clerk.

EATON COUNTY.

In the matter of the incorporation of the village of Eaton Rapids as a city of the fourth class.

Regular meeting of the common council held at the council rooms, Tuesday evening, April 19th, 1904.

Meeting called to order by Mayor Sheldon.

Roll call—Present, Aldermen Fowler, Strank, Woodruff, Hurd, Amursky and Annis. Minutes of preceding meeting read and approved.

Alderman Woodruff offered the following resolution and moved its adoption:

Resolved, That whereas a petition signed by more than one hundred freeholders residing within the corporate limits of the city of Eaton Rapids, Michigan, and praying that an election of the qualified voters of such city be called to determine the question as to whether such city shall become incorporated as a city of the fourth class, under the general law of the State of Michigan, being act number 215 of the public acts of 1895, as amended, was presented to the common council of said city of Eaton Rapids at a regular meeting held on the 26th day of January, A. D. 1904; and

WHEREAS, At an adjourned regular meeting of said common council held on the 2nd day of February, A. D. 1904, said common council did

by resolution call a special election of the qualified voters of said city of Eaton Rapids, to be held on Monday the 11th day of April, A. D. 1904, to determine such question; and

WHEREAS, In accordance with said resolution calling said special election the question as to whether said city should become reincorporated as a city of the fourth class, under the provisions of act No. 215 of the public acts of 1895, as amended, was submitted to a vote of the qualified voters of said city at a special election held in the several wards of said city, on Monday the 11th day of April, A. D. 1904, and it appearing from the returns of said election as certified to the common council by the inspectors of election of the several wards of said city and as canvassed by said common council on Wednesday, April 13th, A. D. 1904, that the total number of ballots cast in the affirmative, in favor of said proposition, was two hundred and eighty-four (284), and the total number of ballots cast in the negative, against said proposition, was forty-four (44), and that a majority of those voting upon said question, voted for reincorporation; now therefore be it

Resolved, That in accordance with said vote, the said city of Eaton Rapids shall be and hereby is reincorporated as a city of the fourth class, under act two hundred and fifteen of the public acts of the State of Michigan for the year eighteen hundred and ninety-five, as amended.

On motion the meeting adjourned.

The undersigned, J. W. Sheldon, mayor of the city of Eaton Rapids, and H. S. Bentley, city recorder of said city, do hereby certify that the foregoing is a true and correct copy of the record of the proceedings of the common council of the city of Eaton Rapids, Michigan, at a meeting held on April 19th, A. D. 1904, so far as necessary to show the time and place of said meeting, the names of members present and the resolution of reincorporation passed at said meeting.

[L. s.]

J. W. SHELDON,
Mayor.
H. S. BENTLEY,
City Recorder.

EATON COUNTY.

In the matter of the incorporation of the village of Mulliken.

Resolved, That the application of the legal voters, residents of the territory hereinafter described, for the incorporation of the village of Mulliken, coming before this board of supervisors for consideration and determination, it is hereby ordered and determined that the territory as hereinafter described, contains three hundred and twenty-nine people, legal residents thereof, and that all of the requirements of act No. 3 of the public acts of Michigan for A. D. 1895, in respect of such application, have been complied with.

It is hereby further ordered that the territory situated and being in the township of Roxand, county of Eaton, State of Michigan, known and described as commencing at the S. E. corner of the S. W. quarter of section 3 of township 4 north of range 5 west, in the county of Eaton and State of Michigan, running thence north one mile, thence west one mile, thence south one mile, thence east one-half mile, thence south 12 rods, thence east 12 rods, thence north 12 rods, thence east to place of beginning, be and the same is hereby incorporated as a village, under and by the name of the village of Mulliken, as prayed in said application.

The ninth day of March, A. D. 1903, is hereby appointed as the time, and the hall of the Modern Woodmen in said village as the place of holding the first election; pursuant to the provisions of the statutes in such case made and provided.

A. L. Cogswell, Frank Merritt, A. L. Parker and Charles Webster, residents of said territory and qualified electors therein, are hereby appointed as a board of registration for said first election to be held in said village, and that the said members of said board of registration shall also act as inspectors of election at the said first election.

M. K. BOSWORTH,
Chairman.

BOYDEN P. MOYER,
Clerk.

STATE OF MICHIGAN,)
County of Eaton.) ss.

I, Boyden P. Moyer, clerk of the county of Eaton aforesaid, do hereby certify that the foregoing is a true and correct copy of the order of incorporation of the village of Mulliken, entered in the record of the board of supervisors; that I have compared the same with the original and that it is a true transcript therefrom and of the whole thereof.

IN TESTIMONY WHEREOF, witness my hand and the seal of
[L. s.] said county, at Charlotte, this 23rd day of March, A.
D. 1904.

BOYDEN P. MOYER,
County Clerk.

HILLSDALE COUNTY.

In the matter of the alteration of the corporate limits of the village of Jonesville.

WHEREAS, There was presented to this board of supervisors of the county of Hillsdale, on the 20th day of March inst., a petition signed by the president and clerk of the village of Jonesville, Hillsdale county, Michigan, and containing a copy of the resolutions of the council of said village authorizing the same, praying that certain lands, therein

described, for certain reasons therein set forth, should be added to the corporate territory of the village of Jonesville, Michigan;

Now, therefore, said petition having been accompanied by proof of the publication of notice of hearing, in compliance with the law, no objection having been by any person made thereto and the same having been duly considered by this board, we do order and determine that the prayer in said petition shall be granted and the boundaries of said village of Jonesville shall be changed so as to include and contain within the corporate limits thereof, in addition to the territory of said village as now incorporated and bounded, the following described lands, to wit: Commencing at a point on the northerly line of said village (as at present bounded) on the easterly side of Evans street, running thence northerly, on the easterly side of said street, fifty (50) rods, thence east to the west line of the highway which is a continuation of Wright street in said village, thence south, on the west line of said highway, to the northerly line of the corporation as at present laid out, said point being on the quarter line of section thirty-three (33) in town five (5) south of range three (3) west, thence west, on said quarter line, to the place of beginning.

STATE OF MICHIGAN, }
County of Hillsdale. } ss.

I, Frank L. Masters, clerk of said county of Hillsdale, and of the circuit court therein, being a court of record, having a seal, do hereby certify that I have compared the annexed copy of resolution adopted by the board of supervisors of Hillsdale county, March 22, 1905, with the original record thereof now remaining in my office, and have found the said copy to be, and that the same is, a true and correct transcript therefrom, and of the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand
[L. s.] and affixed the seal of said court, at Hillsdale, this 22nd
day of March, A. D. 1905.

FRANK L. MASTERS,
Clerk of the Circuit Court.

HILLSDALE COUNTY.

In the matter of the incorporation of the village of Waldron.

To all whom it may concern:

WHEREAS, An application addressed to the board of supervisors of Hillsdale county, has been presented to said board, praying that certain territory hereinafter described be incorporated by said board as a village, under the provisions of act No. 3 of the public acts of 1895, as amended, known as "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties."

WHEREAS, At a session of the board of supervisors of said county held at the court house in the city of Hillsdale in said county on the 20th day of March, A. D. 1905, the said application was duly examined, together with the census and notice of hearing annexed thereto, and said board, on such examination, found that all the requirements of said act above mentioned, in respect to such application, census and notice of hearing, have been complied with and that said territory hereinafter described contains the population required by this act as shown by said census.

Now, therefore, it is ordered and directed that the following described territory situated and being in the township of Wright, county of Hillsdale, and State of Michigan, be and is hereby declared an incorporated village, under the name of Waldron, pursuant to the provisions of the above mentioned act. The territory is described as follows, to wit: The southeast quarter of section 33, T. 8 S. R. 1 W. The S. W. one-quarter of section 34, T. 8 S. R. 1 W. The N. W. one-quarter of section 3, T. 9 S. R. 1 W, and the N. E. one-quarter of section 4, T. 9 S. R. 1 W. containing one square mile.

And it is further ordered by the said board that the first election of the village of Waldron be held in said village on Tuesday, the 18th day of April, A. D. 1905, and said board hereby appoints C. W. Abbaduska, A. D. Way, S. H. Smith and Chas. H. Gorsuch, who are residents of the said territory and qualified electors therein, who shall constitute a board of registration for said first election, to be held in said village, and who shall also act as inspectors of election at said first election.

STATE OF MICHIGAN, }
County of Hillsdale. } ss.

I, Frank L. Masters, clerk of said county of Hillsdale, and of the circuit court therein, being a court of record, having a seal, do hereby certify that I have compared the annexed copy of resolution adopted by the board of supervisors of Hillsdale county, with the original record thereof now remaining in my office, and have found the said copy to be, and that the same is, a true and correct transcript therefrom, and of the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
[s. L.] affixed the seal of said court, at Hillsdale, this 22nd day
 of March, A. D. 1905.

FRANK L. MASTERS,
Clerk of the Circuit Court.

JACKSON COUNTY.

In the matter of the alteration of the corporate limits of the village of Brooklyn.

By Supervisor Maynard:

WHEREAS, A petition has been presented to the board of supervisors of the county of Jackson, Michigan, praying that the boundary line of

the village of Brooklyn be changed in accordance with the term of a resolution of the council of said village of Brooklyn; and

WHEREAS, It appears from said petition that all the requirements of section 2940 of the compiled laws of Michigan for the year A. D. 1897 have been complied with, said petition being presented in compliance with the provisions of said section;

Therefore be it hereby resolved and ordered, that the boundary lines of said village of Brooklyn be and are hereby changed so as to include the land embraced within the following description, to wit: Commencing where the quarter section line of section nineteen (19), town four (4) south, range two (2) east intersects the land of the Lake Shore & Michigan Southern Railroad, running thence north on said quarter line to the northeast corner of the south half of the northwest quarter of said section nineteen (19); thence west to the northwest corner of the south half of the northeast quarter of section twenty-four (24), town four (4) south, range one (1) east; thence south on the quarter section line of said section twenty-four (24), and section twenty-five (25), town four (4) south, range one (1) east, to the southwest corner of the north one-half of the northeast quarter of said section twenty-five (25); thence east to the southeast corner of the north one-half of the northwest one-fourth of section thirty (30), town four (4) south, range two (2) east; thence north on the quarter section line of said section thirty (30) and the before mentioned section nineteen (19), to the place of beginning.

And it is further hereby ordered that a copy of this resolution and order duly certified by the clerk of this board shall be transmitted by said clerk to the clerk of said village of Brooklyn, and to the Secretary of State, and that thereafter the boundaries of said village shall include the land above described.

STATE OF MICHIGAN, }
County of Jackson. } ss.

I, Walter A. Cunningham, clerk of the county of Jackson, and of the circuit court thereof, the same being a court of record, having a seal, do hereby certify that the foregoing is a true and correct transcript of a resolution passed by the board of supervisors at their January session, held on Wednesday, the 6th day of January, A. D. 1904, and that said original resolution is of record in this office.

[L. S.] IN TESTIMONY WHEREOF, I have hereunto set my hand and
affixed the seal of said court, at the city of Jackson, in
the said county, on the eighth day of January, A. D.
1904.

WALTER A. CUNNINGHAM,
Clerk.

LENAWEE COUNTY.

In the matter of the petition of the common council of the village of Tecumseh to alter the corporate limits of said village.

At a regular session of the board of supervisors of Lenawee county, State of Michigan, held at the court house in the city of Adrian on the 13th day of October, A. D. 1904.

The board met pursuant to adjournment.

Roll call. Quorum present.

The journal was read, approved and signed in open session.

Supervisor Hosmer offered the following resolution and moved its adoption:

Resolved, That the board of supervisors of the county of Lenawee, in the State of Michigan, does hereby order and determine that the petition of the common council of the village of Tecumseh, in said county, asking the addition to said village of certain lands in said petition described, be granted; and that the boundaries of said village be altered by adding to said village that parcel of land in the township of Tecumseh, county and State aforesaid, bounded by beginning at the southeast corner of the territory now comprising the village of Tecumseh, and running thence south in the east line of said village, extended southward in its own course, seventy-four rods; thence west parallel with the south line of said village to the north and south quarter line of section thirty-three, town five south, range four east; thence north in said quarter line to the southwest corner of said village; thence east in south line of said village to the place of beginning.

The motion prevailed by the following vote: Yeas—Supervisors Alexander, Atkin, Avery, Baldwin, Buck, Carey, Chase, Clark, Darling, Dobbins, Foote, Grenell, Groger, Hathaway, Hosmer, Kimball, Mann, Roesch, F. Schiebel, S. Schiebel, Smith, Snyder, Steel, Sutton, Vail, Waite, Wegner, Wotring—28. Nays—None.

DAVID C. BUCK,
Chairman Pro Tem.
FRED B. KLINE,
Secretary.

STATE OF MICHIGAN, }
County of Lenawee. } ss.

I, Fred B. Kline, clerk of the county of Lenawee and of the circuit court thereof, the same being a court of record, and having a seal, do hereby certify that I have compared the foregoing copy of resolution with the original resolution, recorded in supervisors record (F), on page (371), now remaining in my office, and I have found the said copy a correct transcript therefrom, and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
[L. S.] affixed the seal of said circuit court this 15th day of
October, A. D. 1904.

FRED B. KLINE,
Clerk.

SAGINAW COUNTY.

In the matter of the incorporation of the village of Frankenmuth.

At a regular session of the board of supervisors of the county of Saginaw, held at the court house in the city of Saginaw, in said county, on the fourteenth day of January in the year of our Lord one thousand nine hundred and four.

WHEREAS, Application was made to this board on the twelfth day of January, 1904, by petition signed by Franz Ranke and forty-five other persons, all resident legal voters within the territory described in said petition, for the incorporation of certain territory located in the township of Frankenmuth, in the county of Saginaw, as a village, to be known, designated and named as "The Village of Frankenmuth;" and

WHEREAS, Said board of supervisors has heard all the parties interested in said application who have appeared and asked to be heard; and

WHEREAS, It has been made to appear to this board that the said persons did, within sixty days before making the said application, cause an accurate census to be taken as required by law, of the resident population of the territory described in said petition, which said census, duly verified, is attached to said petition; and

WHEREAS, It is further made to appear to this board that said persons have also given notice of said application, by posting the same in five public places in the territory described in said petition, and by printing the same once in each week, for four successive weeks immediately previous to the time of making said application, in the Saginaw Twice A Week Courier-Herald, a tri-weekly newspaper printed, published and circulated within the county of Saginaw, Michigan; and annexed to said petition are copies of said notice, with the affidavits of posting and publishing the same, as required by law; and

WHEREAS, It has been made to appear to this board, and this board being satisfied that all of the requirements of law in respect to said application have been complied with, and that said territory contains a population of about six hundred;

Therefore be it resolved, That the prayer of said petitioners be, and the same is hereby granted, and that an order be, and the same is hereby made, and it is hereby ordered and declared that the following described territory lying, being and situate in the township of Frankenmuth, in the county of Saginaw, in said State of Michigan, be, and the same is hereby incorporated as a village, in accordance with an act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties, being act number three of the public acts of 1895, and amendments thereof of the State of Michigan, by the name of "The Village of Frankenmuth," to wit: Beginning at the quarter post between sections twenty-two (22) and twenty-seven (27), in Frankenmuth, town eleven (11) north, range six (6) east; and then running thence north on the quarter line in section twenty-two (22) eighty (80) rods; thence east, parallel with the south section line three hundred twenty (320) rods, into section twenty-three (23), to the north and south quarter line; thence south eighty (80) rods to

the quarter post between sections twenty-three (23) and twenty-six (26); thence south on the quarter line in section twenty-six (26) one hundred ninety-two (192) rods, to the north bank of the Cass river; thence down said river bank about one hundred fifty (150) rods to a point that would meet the section line between sections twenty-six (26) and twenty-seven (27) on the south side of the Cass river, with that section line extended across said river to its north bank; thence south from that point on the above section line to the corner of sections twenty-six (26), twenty-seven (27), thirty-four (34) and thirty-five (35); thence south eighty (80) rods between sections thirty-four (34) and thirty-five (35); thence west through section thirty-four (34) parallel with the north section line two hundred sixteen (216) rods; thence north eighty (80) rods to the section line to a point fifty-six (56) rods west of the quarter post between sections twenty-seven (27) and thirty-four (34); from this point north in section twenty-seven (27), one hundred forty-four (144) rods to the north bank of the Cass river, at its intersection with the quarter section line running north and south through the center of section twenty-seven (27) on the north side of the river; thence north on said quarter line one hundred seventy-six (176) rods, to the place of beginning, the quarter post between sections twenty-two (22) and twenty-seven (27), containing an area of more than one square mile.

And it is further ordered that the first election of officers of said village shall be held on Monday the fourteenth day of March, 1904, in Fischer's Hall, located on Main street in the aforesaid territory, comprising the said incorporated village, and that M. John List, Lorenz Hubinger, Fred Goltzinger and William Stromer discreet persons and residents of said territory, and qualified electors therein shall constitute a board of registration for said first election, and who shall also act as inspectors of election thereat.

It is further ordered that said board of registration shall meet on the Saturday next preceding said first election, and shall remain in session the same hours required of boards of registration in general elections, and register the names of all persons, residents of said village presenting themselves for registration and having the qualifications of voters at annual township meetings. Said board shall give due notice of the time and place of which registration shall be given by said board, by posting notices thereof, in five public places in said village, at least ten days previous to said meeting, and shall be governed in the performance of their duties and the conduct of said election as required by act number 3 of the public acts of 1895, and amendments thereof, of the State of Michigan.

STATE OF MICHIGAN, }
County of Saginaw. } ss.

I, E. P. Whaley, clerk of the county of Saginaw and clerk of the board of supervisors of said county, do hereby certify the within and foregoing to be a true and correct copy of an order made by said board of supervisors on the 14th day of January, A. D. 1904, at a regular session of said board, incorporating the village of Frankenmuth in said county of Saginaw and that said order was passed by a majority of the super-

visors elect and duly entered in the record of the proceedings of said board.

[L. s.] IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the circuit court of the county of Saginaw, this 4th day of February, A. D. 1904.

E. P. WHALEY,
Clerk of the county of Saginaw, Michigan.

ST. JOSEPH COUNTY.

In the matter of the incorporation of the village of Colon.

We, the board of supervisors of the county of St. Joseph and State of Michigan, to whom was referred the petition of 51 of the citizens of the township of Colon, St. Joseph county and State of Michigan, asking said board to incorporate the following territory as a village, to wit: Commencing at the northeast corner of section eleven, running thence west along the section line one and one-half ($1\frac{1}{2}$) miles, to the quarter section line; thence south along said quarter section line one and one-half ($1\frac{1}{2}$) miles to the center of section fifteen; thence east along the quarter section line one and one-half ($1\frac{1}{2}$) miles to the section line between sections thirteen and fourteen; thence north one and one-half ($1\frac{1}{2}$) miles to the place of beginning, containing two and one-fourth square miles. All in the township of Colon, St. Joseph county, Mich.

We, the said board, after hearing the parties for and against said petition, are satisfied that all the requirements of law in respect to such application have been complied with, and that such territory contains the population required by law.

We, therefore, order and declare, that said territory shall be and is hereby incorporated as a village.

Which said village shall be known as "Colon."

And we, the said board, do hereby appoint the second Monday in March, A. D. 1904, at the town hall in said village of Colon, as the time and place of holding the first election.

And we also appoint Frank D. Lamberson, Wilbur Scott, Richard H. King and Isaac W. Teller residents of said territory and qualified electors therein, who shall constitute a board of registration for said first election to be held in said village, and who shall also act as inspectors of election at said first election.

STATE OF MICHIGAN, }
County of St. Joseph. } ss.

I, Edward F. Hackman, clerk of the county of St. Joseph, and clerk of the board of supervisors thereof, do hereby certify that I have compared the annexed copy of the order of incorporation of the village of Colon, adopted by the board of supervisors of said county of St. Joseph

and State of Michigan on the ninth day of January, A. D. 1904, with the original record thereof now remaining in my office, and have found the said copy to be, and that the same is, a true and correct transcript therefrom, and of the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
[L. s.] affixed the seal of the circuit court of said county, at
 Centreville this twelfth day of January, A. D. 1904.
 EDWARD F. HACKMAN,
 Clerk.

TUSCOLA COUNTY.

In the matter of the incorporation of the village of Fairgrove.

WHEREAS, Application by petition has been made to this board by seventy legal voters residing within the territory particularly described in such application and petition for the incorporation of a village to be known as the village of Fairgrove, and that such incorporation include said territory so mentioned and described in such application and petition;

And it further appearing that an accurate census of the resident population of such territory has been taken within sixty days previous to the making of such application, and that such census exhibits the name of every head of the family residing within such territory on the day when the same was taken, and the number of persons belonging to such family, as appears by the affidavit of the person taking the same written thereon;

And it further appearing that notice of the intention to apply to this board on the 14th day of October, A. D. 1901, for an order incorporating such territory as a village, has been duly given by publishing the same in the "Fairgrove Enterprise," a public weekly newspaper printed and published within the territory proposed to be incorporated and particularly described in such application and petition and circulating within such territory and within the county of Tuscola, Michigan, once each week for four successive weeks immediately preceding the time specified in such notice for making such application, as appears by the affidavit of Bonna Cornell, the managing employe of said weekly newspaper, attached to said application, census and notice; and

WHEREAS, Opportunity has been given to all parties interested to be heard upon the subject matter of such application and petition; and

WHEREAS, It further appears that such application and petition has been made pursuant to the provisions of chapter eighty-seven of the compiled laws of the State of Michigan of 1897, the same being act number three of the public acts of the State of Michigan for the year 1895, and that the same complies in all respects with the provisions of said chapter and said act, the same being entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties;

And it further appearing that the territory described in said application and petition contains the requisite population required by said act number three, as appears by said census and affidavit of the person taking the same;

Now, therefore, upon hearing all persons desiring to be heard upon the subject matter of such application and petition, and upon due consideration had thereon, and the board being fully advised in the premises, it is ordered that the following described territory mentioned and described in said application and petition, viz: Commencing at a point forty rods north of the quarter stake on section sixteen, in township thirteen north, range eight east; running thence due west one mile to a point forty rods north of the quarter stake on section seventeen; thence south along the quarter line one mile and forty rods to the quarter stake at center of section twenty; thence east along the center of the highway on the quarter line one mile to the quarter stake on section twenty-one; thence north along the quarter line one mile and forty rods to the place of beginning;

And including within the said boundaries lands described as follows, viz.: The south quarter of the northwest quarter, and the southwest quarter of section sixteen, the south quarter of the northeast quarter and the southeast quarter of section seventeen, the northeast quarter of section twenty, and the northwest quarter of section twenty-one, of said township, and containing one and one-eighth square miles of land, or seven hundred and twenty acres, according to the established survey thereof, be the same more or less, all of said territory and lands and premises lying and being in the township of Fairgrove, Tuscola county, Michigan, be, and the same is hereby incorporated as a village pursuant to the provisions of said act number three of the public acts of 1895, under the name of "The Village of Fairgrove;

And it is further ordered that the first election of said village herein and hereby incorporated, be held on Monday the 25th day of November, A. D. 1901, and that John R. Hamilton, Charles H. Gaylord, James Brate and Frank E. Stone, discreet persons residents in such territory and qualified electors therein, be and are hereby appointed a board of registration for said first election, and to act as inspectors of election thereat.

On motion of Mr. Trotter, the order pertaining to the incorporation of the village of Fairgrove, submitted and read by the prosecuting attorney, was accepted and adopted and spread upon the record as the order of this board.

STATE OF MICHIGAN, }
County of Tuscola. } ss.

I, N. Hamilton, clerk of Tuscola county, do hereby certify that the above and foregoing is a true and compared copy of an original order to incorporate the village of Fairgrove, now on record in the office of said county, and the whole of said record.

[L. s.] IN TESTIMONY WHEREOF, I have hereunto set my hand and
affixed the seal of said county, at the village of Caro, this
31st day of August, A. D. 1904.

N. HAMILTON,
County Clerk.

VAN BUREN COUNTY.

In the matter of the alteration of the corporate limits of the village of Paw Paw.

The following resolution was offered by Supervisor Wildey, which, on motion of Supervisor Wildey, seconded by Supervisor Matthews, was accepted and adopted:

WHEREAS, The petition of the common council of the village of Paw Paw, county of Van Buren and State of Michigan, was filed with the clerk of the board of supervisors on the 7th day of January, A. D. 1904, which said petition prays, for certain reasons therein set forth, that the corporate limits of said village may be extended so as to embrace lands contiguous thereto and described as:

A certain piece or parcel of land situate and being on section No. twelve (12) in the township of Paw Paw, county of Van Buren and State of Michigan, and commencing at a point on the north corporate line of said village of Paw Paw, in the center of the Allegan road, so-called, and running thence northeasterly along the center of said road seventeen (17) rods; thence west to the Paw Paw river; thence southerly along the east margin of said river to the north corporate line of said village; thence east to the place of beginning; and

WHEREAS, Said petition is based upon a certain resolution heretofore passed by the said common council at regular meeting thereof held on the 16th day of December, A. D. 1903; and

WHEREAS, Notice of the time and place of the presentation of said petition before said board of supervisors has been duly published, in accordance with the statute in such cases made and provided, in the Free Press and Courier, a newspaper published and circulating in said county of Van Buren and State of Michigan, and the proper affidavit of such publication has been filed with the clerk of said board of supervisors; and

WHEREAS, Said petition has, on behalf of the said village been duly presented to said board of supervisors for its consideration, and no one having appeared in opposition to said proposed extension of the corporate limits of said village; and

WHEREAS, Said board of supervisors, after due consideration of the premises, said petition and all of the matters and things therein set forth, have determined that said common council have done and performed all of the requirements necessary by it to be done and performed to extend the corporate limits of said village so as to embrace within said limits the land described in said petition; and said board of supervisors have likewise determined and do hereby determine and declare that the extension of the corporate limits of said village so as to embrace the lands heretofore described and being contiguous to said village, is necessary and for the best interests of said village;

Now, therefore, it is ordered, that the corporate limits of the village of Paw Paw, county of Van Buren and State of Michigan, be extended and the same are hereby extended so as to embrace and do hereby embrace within said corporate limits the land contiguous thereto and

described as: A certain piece or parcel of land situate and being on section No. twelve (12) in the township of Paw Paw, county of Van Buren and State of Michigan, and, commencing at a point on the north corporate line of said village of Paw Paw, in the center of the Allegan road, so called, and running thence northeasterly along the center of said road seventeen (17) rods; thence west to the Paw Paw river; thence southerly along the east margin of said river to the north corporate line of said village; thence east to the place of beginning, and said lands are hereby incorporated within the limits of said village and are made a part thereof for all municipal and village purposes.

Dated this 7th day of January, A. D. 1904.

JOHN H. CORNISH,
Chairman.

Attest:
F. N. WAKEMAN,
Clerk.

STATE OF MICHIGAN, }
County of Van Buren. } ss.

I, F. N. Wakeman, clerk of the county of Van Buren and clerk of the circuit court for said county, the same being a court of record and having a seal, do hereby certify that I have compared the annexed copy of a resolution passed by the board of supervisors on the 7th day of January, A. D. 1904, with the original record thereof now remaining in my office, and have found the said copy to be, and that the same is, a true and correct transcript therefrom, and of the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
[L. s.] affixed the seal of said court at Paw Paw this 13th day
 of January, A. D. 1904.

F. N. WAKEMAN,
Clerk.

WAYNE COUNTY.

In the matter of the alteration of the corporate limits of the city of Wyandotte.

Annual session, 1904. First day.

We, the undersigned residents of that portion of the township of Ecorse lying between the south line of the city of Wyandotte and the north line of the township of Monguagon, bounded on the east by the Detroit river and on the west by the Lake Shore Railroad, said territory being commonly known as South Detroit, do hereby petition the honorable board of supervisors and the county of Wayne to annex said territory to the city of Wyandotte:

S. Caldwell, Peter Scharbenaw, Chris. Toomey, Charles Scaiser, John Sincho, Clem. St. Louis, Charles Bulley, Thomas Stewart, Jasper Mc-

Glade, Wm. Ewing, Chas. Strewing, Fred Lorenski, Mrs. Davedson, R. C. Banks, Thos. Carroll, F. J. Beal, J. Rabbitt, M. E. Newell, Chas. Ritcher, Frank Mañone, Ambeth Limbright, James Raymond, Henry Begemon, Joe Raymond, Wm. Harrison, Harry Tucker, Wm. A. Come, G. B. Fox, Lucius Parsons, F. K. Thompson, Martin Zieteski, William Horn, F. P. Benson, Wm. Rice, Dick Kerwin, Frank Dalley, James C. Sparrow, J. H. Walker, H. A. Parish, L. Barkley, T. Mitcheson, Charles J. Spicht, James Stewart, Frank Cadrotte, Henry Heiden, John Wayman (4 lots), Philip Miner, G. E. Vandecar, Wm. E. Lacey, Eli Baunna, Charles Bully, John Klink, Stanley Frolich, Fred Busse, Fred Begemon, Joseph Bushecoe, Mike Wagner, C. Reichenbach, M. Mesico.

By Supervisor Heineman:

Moved that the petition be received, printed in the proceedings and laid on the table.

Which was adopted by a viva voce vote.

State of Michigan.

City of Wyandotte, October 5, 1904.

To the board of supervisors of Wayne county, Michigan:

The petition of the common council of the city of Wyandotte, in the county of Wayne, Michigan, respectfully represent:

First: That said city of Wyandotte is incorporated under the general law of this State for the incorporation of cities of the fourth class, being chapter No. 88 of the compiled laws of 1897; that said common council has this day passed a resolution in conformity with the provision of said law, a copy of said resolution duly certified to is hereto attached, to alter the boundaries of said city of Wyandotte by taking in and adding thereto, certain lands and premises adjoining said city on the south thereof, the boundaries and description of said lands and premises being as follows, viz.: All the following described lands and premises situated, lying and being in the township of Ecorse, county of Wayne and State of Michigan, to wit: Beginning at a point where the southerly limits of said city of Wyandotte intersects with the westerly channel bank of the Detroit river, and running thence southerly along said channel bank to a point where said channel bank intersects with the township line dividing the townships of Ecorse and Monguagon in said county; thence west along said township line to a point where said township line intersects with the westerly line of the right of way of the Lake Shore & Michigan Southern Railroad; thence northerly along the westerly line of said right of way to a point where the westerly line of said right of way intersects the south boundary line of said city of Wyandotte, and thence east along said boundary line to the place of beginning.

Second: The reasons for the proposed change of boundaries of said city as above set forth are as follows, viz.: 1. Because the said lands and premises proposed to be added to said city adjoin said city and are practically isolated from the township of Ecorse, of which they now form a part. 2. Because the lands and premises embraced within the above described boundaries are in part quite thickly settled with a large number of children of school age with no school accessible to them but the Wyandotte schools, maintained and supported by said

city of Wyandotte. 3. Because the inhabitants of said lands and premises have no water supply for fire protection or any other purpose. 4. Because said lands and premises are necessary to afford an outlet for the sewerage system the citizens of said city of Wyandotte have provided for. 5. Because said lands and premises of right ought to form a part of said city of Wyandotte.

And your petitioner herewith presents a map of the lands proposed to be added to said city prayed for in the foregoing petition. And your petitioner will every pray, etc.

Common Council, city of Wyandotte, Mich.

ELTON R. NELLIS.

H. O. MALOCH,

City Clerk.

Resolution to alter the boundaries of the city of Wyandotte.
By Ald. Chas. W. Woodward:

Resolved, That the boundaries of the city of Wyandotte be altered by taking in said city certain lands and premises adjoining said city on the south and are situate in the township of Ecorse, county of Wayne and State of Michigan, and are bounded and described as follows, to wit: Beginning at a point where the southerly limits of said city of Wyandotte intersects with the westerly channel bank of the Detroit river, and running thence southerly along said channel bank to a point where said channel bank intersects with the township line dividing the townships of Ecorse and Monguagon in said county; thence west along said township line to a point where said township line intersects with the westerly line of the right of way of the Lake Shore & Michigan Southern Railroad; thence northerly along the westerly line of said right of way to a point where the westerly line of said right of way intersects the south boundary line of said city of Wyandotte, and thence east along said boundary line to the place of beginning; and be it further

Resolved, That the common council of said city of Wyandotte petition the board of supervisors of said county of Wayne, that being the county in which the lands and premises affected hereby are situated, to make such change of boundaries of said city of Wyandotte as is hereinbefore mentioned, and that such petition contain a description by metes and bounds of the said lands and premises proposed to be added to said city, together with a map thereof which shall accompany said petition, and that said petition be in conformity and subject to the provisions of act No. 215 of the public acts of the State of Michigan for the year 1895, entitled "An act to provide for the incorporation of cities of the fourth class." That notice of the time and place when such petition will be presented to said board of supervisors be given by the city clerk of said city in accordance with the provisions of said act.

I hereby certify that the foregoing resolution was unanimously adopted by the common council in regular session held June 15, 1904.

H. O. MALOCH,

City Clerk.

State of Michigan, county of Wayne, city of Wyandotte—ss.

John A. Webster, being duly sworn, deposes and says, that the annexed printed copy of a notice was taken from the Wyandotte Republican, a newspaper printed and circulating in said city and county, and that said notice was published in said newspaper on the 15th, 22d and 29th days of September, A. D. 1904, that he is the printer and publisher of said newspaper, and knows well the facts stated therein.

JOHN A. WEBSTER,

Subscribed and sworn to before me this 8th day of October, A. D. 1904.

My commission expires June 10, 1905.

CHARLES H. MARR,

Notary Public in and for said county.

Notice.

City Clerk's Office, city of Wyandotte, State of Michigan.

To whom it may concern:

Notice is hereby given that in pursuance of a resolution adopted by the common council of said city of Wyandotte on the 15th day of June, A. D. 1904, a petition of said common council will be presented to the board of supervisors of said county of Wayne at their next meeting to be held on Monday, the 10th day of October, A. D. 1904, at their chamber in the county building in the city of Detroit, in said county of Wayne, at the opening of the session of said board of supervisors on that day or as soon thereafter as the same can be heard by said board, the purpose of said petition being the taking into the said city of Wyandotte certain premises adjoining said city on the south thereof. Said premises being described as follows, to wit:

Beginning at a point where the southerly limits of said city of Wyandotte intersects with the westerly channel bank of the Detroit river, and running thence southerly along said channel bank to a point where said channel bank intersects with the township line dividing the townships of Ecorse and Monguagon in said county; thence westerly along said township line to a point where said township line intersects with the westerly line of the right of way of the Lake Shore & Michigan Southern Railroad; thence northerly along the westerly line of said right of way to a point where the westerly line of said right of way intersects the south boundary line of said city of Wyandotte, and thence east along said boundary line to the place of beginning.

H. O. MALOCH,

City Clerk, City of Wyandotte.

Dated September 12, 1904.

State of Michigan, county of Wayne, ss.:

John A. Denman, being duly sworn, deposes and says, that the annexed printed copy of a notice was taken from the Wyandotte Herald, a newspaper printed and circulating in said county, and that said

notice was published in said newspaper on the 16th, 23d, and 30th of September, A. D. 1904, that he is the foreman of said newspaper and knows well the facts stated therein.

JOHN A. DENMAN,

Subscribed and sworn to before me this 11th day of October, A. D. 1904.

My commission expires May 9, 1905.

JAMES D. HAVEN,

Notary Public in and for said county.

Notice.

City Clerk's Office, city of Wyandotte, State of Michigan.

To whom it may concern:

Notice is hereby given that in pursuance of a resolution adopted by the common council of said city of Wyandotte on the 15th day of June, A. D. 1904, a petition of said common council will be presented to the board of supervisors of said county of Wayne at their next meeting to be held on Monday, the 10th day of October, A. D. 1904, at their chamber in the county building in the city of Detroit, in said county of Wayne, at the opening of the session of the said board of supervisors on that day or as soon thereafter as the same can be heard by said board, the purpose of said petition being the taking into said city of Wyandotte certain premises adjoining said city on the south thereof. Said premises being described as follows, to wit:

Beginning at a point where the southerly limits of said city of Wyandotte intersects with the westerly channel bank of the Detroit river, and running thence southerly along said channel bank to a point where said channel bank intersects with the township line dividing the townships of Ecorse and Monguagon in said county; thence west along said township line to a point where said township line intersects with the westerly line of the right of way of the Lake Shore & Michigan Southern Railroad; thence northerly along the westerly line of said right of way to a point where the westerly of said right of way intersects the south boundary line of said city of Wyandotte, and thence east along said boundary line to the place of beginning.

H. O. MALOCH,

Dated September 12, 1904.

City Clerk, City of Wyandotte.

By Supervisor Smith:

Moved the petition be received, printed in the proceedings, and laid on the table.

Which was adopted by a viva voce vote.

Annual Session, 1904.—Second Day.

By Supervisor Megges:

Moved to take from the table the petition in regard to annexation of South Detroit to the city of Wyandotte.

Adopted by the following vote:

Atchison, Bouchard, Bradner, Brown, Burnham, Burns, Codd, Day, Dederichs, Gutman, Harpfer, Heineman, Hurst, Jeffries, Jerome, Jones, Keating, Kelly, King, Koch, Louis, Koester, Lemke, McClellan, Mahs, Marschner, Megges, Moeller, Mohn, Nagel, Nevermann, O'Brien, Palister, Pearl, Pernot, Reinhardt, Rose, Stahelm, Stansfield, Stiles, Tossy, Underwood, Venier, Weibel, Weiber, Wiles, Wilson, Zink, the chairman.

By Supervisor Megges:

Moved that the petition be referred to a committee of five, to be appointed by the chair.

Adopted by a viva voce vote.

Annual Session, 1904.—Fourth Day.

Special committee of five appointed by the chairman on the matter relative to annexation of South Detroit to the city of Wyandotte—Supervisors Koester, Bradner, Brown, Stiles and Tossy.

By Supervisor Moeller:

Moved that all petitions and communications now be taken from the table and referred to the proper committees.

Adopted by a viva voce vote.

CASS BENTON,
Chairman.

WM. H. MCGREGOR,
Clerk.

Annual Session, 1904.—Fifth Day.

Detroit, Mich., October 14th, 1904.

To the Board of Supervisors of the county of Wayne:

Gentlemen:—Your special committee, to whom was referred the petition of the common council of the city of Wyandotte, praying that certain lands and premises adjoining said city on the south thereof, and particularly described in said petition, beg leave to submit the following report:

1. That we held a meeting of said committee on Thursday, October 13th, for the purpose of affording all persons interested an opportunity of appearing before us and being heard touching the proposed change of boundaries of said city of Wyandotte; after such hearing and after examining said premises and due consideration of said petition, it ap-

pears to your committee that said petition ought to be granted.

2. That we have examined the map and other papers accompanying said petition, and from such examination we believe it to be for the best interest of all concerned that the territory known as "South Detroit" ought to be added to said city of Wyandotte.

3. That the reasons given in the petition of the common council to the board for annexing such territory are, in our judgment, valid and satisfactory reasons.

4. That on Saturday, October 8th, an election was held in the territory covered by said petition, the result of said election being that the voters voting did, by a vote of 66 to 12, decide in favor of being annexed to the city of Wyandotte.

5. Your committee, therefore, submit the annexed as a proper form of an order for adoption by this board, and would recommend the adoption of the same, and that a certified copy thereof be transmitted by the county clerk to the Secretary of State, as provided by law.

A. KOESTER,
LYMAN STILES,
CHAS. W. BRADNER,
T. H. BROWN,
LOUIS E. TOSSY,
Committee.

By Supervisor Koester:

Resolved, That in the matter of the petition of the common council of the city of Wyandotte, in said county, for a change of the boundaries of said city:

WHEREAS, A petition has been duly made to the board of supervisors of the county of Wayne by the common council of said city of Wyandotte, pursuant to the provisions of chapter 2, of act No. 215, of the public acts of the State of Michigan for the year 1895, entitled, "An act for the incorporation of cities of the fourth class," being compilers section 2974 of the compiled laws of 1897, by taking into said city of Wyandotte certain lands and premises adjoining said city on the south thereof, and hereinafter described; and the said board having been furnished with a map of the lands and premises to be affected thereby; and it appearing to said board by due proof that notice of the time and place when said petition would be presented to said board has been duly given by the city clerk of said city and duly published in the Wyandotte Herald, a newspaper published in said city, for at least three weeks immediately preceding the presentation of said petition, as required by law; and it also appearing to said board, upon consideration thereof, that the said petition ought to be granted;

Thereupon it is ordered and determined by the said board that the lands and premises described as follows, to wit: All those certain lands and premises situate, lying and being in the township of Ecorse, county of Wayne, and State of Michigan, bounded and described as follows, to wit: Beginning at a point where the southerly limits of said city of Wyandotte intersects with the westerly channel bank of the Detroit river, and running thence southerly along said channel bank to a point where said channel bank intersects with the township

line dividing the townships of Ecorse and Monguagon, in said county; thence west along said township line to a point where said township line intersects the westerly line of the right of way of the Lake Shore & Michigan Southern Railroad; thence northerly along the westerly line of said right of way to a point where the westerly line of said right of way intersects the south boundary line of said city of Wyandotte, and thence east along said boundary line to the place of beginning, be and the same is hereby added to and taken into said city of Wyandotte, and that such change of boundaries of said city of Wyandotte is not made in such a manner as to affect the boundaries of a representative district.

By Supervisor Koester:

Moved the report and the accompanying resolution be adopted.

By Supervisor Bouchard:

Moved to amend by laying on the table the report and resolution until after the primary election.

Which was lost by the following vote:

Yeas—Supervisors Allan, Balsley, Bouchard, Dederichs, Jeffries, Keating, McClellan, Mohn, Nevermann, O'Brien, Pearl, Reinhardt, Rose, Stansfield, Wiles and Zink—16.

Nays—Supervisors Atchison, Bradner, Brown, Brozo, Burnham, Gutman, Harpfer, Heineman, Hurst, Kelly, King, Louis Koch, Koester, Lemke, Mahs, Marschner, Megges, Moeller, Nagel, Pallister, Pernot, Stahelm, Stiles, Tossy, Underwood, Weibel, Wieber, Wilson and the chairman—29.

The report of the special committee on annexation and the resolution by Supervisor Koester was then adopted by the following vote:

Yeas—Supervisors Allan, Atchison, Balsley, Bradner, Brown, Brozo, Burnham, Gutman, Harpfer, Heineman, Hurst, Keating, Kelly, King, Louis Koch, Koester, Lemke, McClellan, Mahs, Marschner, Megges, Moeller, Nagel, O'Brien, Pallister, Pernot, Rose, Stahelm, Stansfield, Stiles, Tossy, Underwood, Wieber, Wiles, Wilson and the chairman—36.

Nays—Supervisors Bouchard, Nevermann and Pearl—3.

CASS BENTON,
Chairman.

WM. H. MCGREGOR,
Clerk.

Annual Session, 1904.—Seventh Day.

The following reconsideration was presented and lost by the following vote:

October 15, 1904.

I hereby file a reconsideration of the vote by which a resolution was adopted annexing certain territory in South Detroit to the city of Detroit.

PATRICK O'BRIEN.

Filed at 10:45 a. m. above date.

Wm. H. MCGREGOR, Clerk.

By C. H. AUSTIN, Deputy.

Yeas—Supervisors Atkinson, Bouchard, Hillger, Jeffries, Jones, McClellan, Nevermann, O'Brien, Reinhardt, Stahelin—10.

Nays—Supervisors Allan, Atchinson, Brown, Burnham, Day, Gutman, Harpfer, Heineman, Hurst, Jerome, Keating, Kelly, King, Louis Koch, Koester, Lemke, Mahs, Marschner, Megges, Moeller, Nagel, Pallister, Pernot, Rose, Stiles, Tossy, Underwood, Vernier, Weibel, Wieber, Wiles, Wilson and the chairman—33.

STATE OF MICHIGAN, }
County of Wayne. } ss.

I, Wm. H. McGregor, clerk of Wayne county, and clerk of the circuit Court for the county of Wayne, do hereby certify, that the above and the foregoing is a true and correct copy of portions of the proceedings of the board of supervisors in annual session, October, 1904, in reannexation of certain territory in South Detroit to the city of Wyandotte entered in the above entitled cause by said court, as appears of record in my office. That I have compared the same with the original, and it is a true transcript therefrom, and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
[L. s.] affixed the seal of said court and county, at Detroit,
this 17th, day of November, A. D. 1904.

WM. H. MCGREGOR,
Clerk.

By C. H. AUSTIN,
Deputy Clerk.

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